

Community Feedback Report on the Minneapolis Police Conduct Oversight Proposal

Prepared by
Minneapolis Department of Civil Rights

Presented Sept. 12, 2012
City of Minneapolis

Contents

I.	INTRODUCTION	2
II.	THE BUSINESS PROCESS IMPROVEMENT INITIATIVE	3
III.	PROPOSED PROCESS FOR CIVILIAN OVERSIGHT IN MINNEAPOLIS.....	4
IV.	NON-PROCESS-RELATED POLICY CONCERNS	6
V.	CONCLUSION	7
I.	APPENDIX CONTENTS.....	8
	PowerPoint Presentation — Office of Police Conduct Review, version 1, July 25, 2012.....	A
	Community Meeting Questions, August 1, 2012	B
	Summary of Comments —Community Meeting #1, August 1, 2012.....	C
	Emails	D
	Flyer — Communities United Against Police Brutality.....	E
	PowerPoint Presentation — Office of Police Conduct Review, version 2, August 16, 2012	F
	Summary of Comments —Community Meeting #2, August 16, 2012.....	G
	Public Comments —Community Meeting #3, August 21, 2012	H
	August 22, 2012 Email.....	I
	August 22, 2012 Letter from NACOLE Regarding Minneapolis CRA Re-design	J

I. INTRODUCTION

On July 25, 2012, the Department of Civil Rights presented to the Public Safety, Civil Rights & Health Committee (PSC&H) proposed changes to the process for civilian oversight in Minneapolis.

In response, the PSC&H Committee provided three directives to the Department of Civil Rights: (1) compare and analyze improvements in the proposed ordinance as a result of the Business Process Improvement (BPI) and the CRA proposed improvements adopted by the April 23rd CRA committee; (2) provide the council with research on the best practices of similar cities; and (3) prior to the public hearing September 12, 2012, conduct two community meetings to share the proposal with the public and gather feedback.

As a result, the Civil Rights Department held three meetings in two different locations as follows:

First Public Comment Session (City Hall)	
August 1, 2012, 7:00 p.m. to 8:30 p.m.	Attendance: 15
Session Leader: Former Assistant Director Lee Reid	Format: PowerPoint Presentation followed by Q&A guided by the four questions (Appendix A & B)
Second Public Comment Session (Shiloh Temple)	
August 16, 2012, 7:00 p.m. to 8:30 p.m.	Attendance: 12-15
Session Leader: Director Velma J. Korbel	Format: PowerPoint Presentation followed by Q&A guided by the four questions (Appendix A & B)
Third Public Comment Session (City Hall)	
August 21, 2012, 7:00 p.m. to 8:30 p.m.	Attendance: 35-40
Session Leader: Assistant Director Michael K. Browne	Format: Listening Session, distributed copies of the PowerPoint (Appendix F)

Members of the community contributed feedback in the form of flyers, emails, letters, and opinions voiced at the community meetings. Overall, the community preferred the third format, held as a listening session instead of a presentation and guided question-and-answer section. (For an example, see Appendix J). While conducting the community meetings, the Department of Civil Rights gathered relevant community comments concerning the proposed changes to the ordinance (Appendix C, G and H).

This report outlines these concerns and is organized into three parts. Section II discusses community feedback regarding the Business Process Improvement initiative in the development of the proposal. Section III outlines community feedback regarding specific steps in the revised compliant process. Section IV addresses the community's non-process-related policy concerns.

II. THE BUSINESS PROCESS IMPROVEMENT INITIATIVE

Community attendees were presented with the proposed Business Process Improvement Initiative and were asked to provide feedback on the subject. The following table summarizes issues raised at the community meetings regarding the BPI initiative. The common thread amongst these concerns is a general lack of community involvement and oversight in the BPI development process.

Point

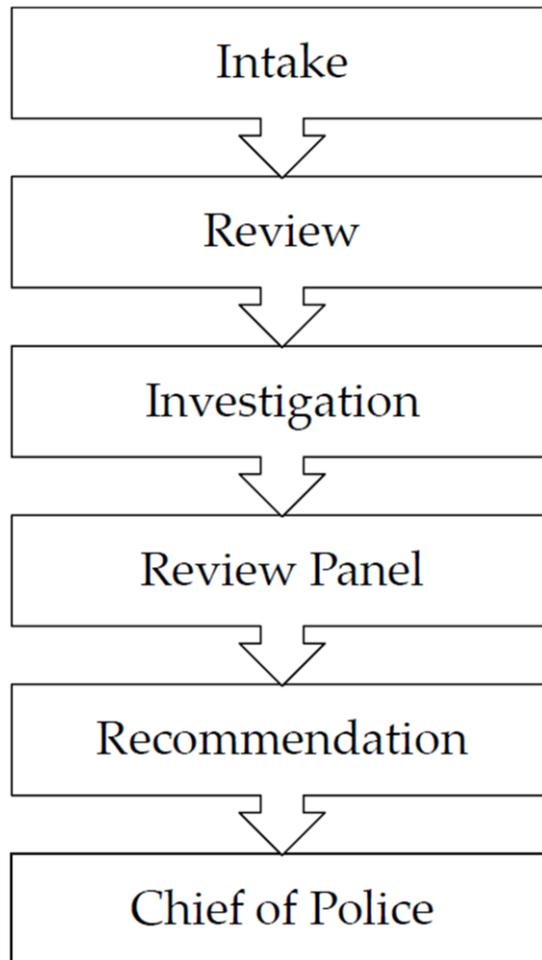
1	The proposal was designed by management without community input from the outset of the process.
2	The information, resources, and data used to design the new proposal have not been made public.
3	The Department informed the CRA Board of the ordinance changes only after they were brought to the PSC&H.
4	The Department's initial proposal contained none of the alternative proposals drafted by the CRA Board ad hoc committee.
5	Community meetings were held only at the direction of the City Council.
6	The community meetings did not allow for discussion of the proposed ordinance changes.

Many community members expressed a wish to have been involved in building the proposal from the onset and raised several additional issues. They felt the proposal lacked sufficient transparency and wanted earlier notice about community meetings so they could provide meaningful public feedback in this and other City process considerations. As a result of concerns expressed at the first community meeting, the Department added a third listening session.

III. PROPOSED PROCESS FOR CIVILIAN OVERSIGHT IN MINNEAPOLIS

The Civil Rights Department presented a sequence and detailed explanation of new the complaint process to attendees of the community meetings. The community provided feedback regarding the revisions, which are outlined below, categorized by reference to each stage of the process:

PROPOSED CIVILIAN OVERSIGHT IN MINNEAPOLIS



Intake

Point

7	The proposal shortens the amount of time allowed to file from 365 to 180 days, a disadvantage for individuals dealing with pending criminal charges.
8	The complainant will not have the ability to choose a civilian or sworn investigator, and it adds police officers to the civilian oversight process.
9	The CRA previously had authority to investigate a wider variety of misconduct as the ordinance did not limit the CRA to a set list of offenses. The proposed ordinance removes this flexibility by defining eight specific types of misconduct which the CRA may investigate.

Review

Point

10	Both assistant directors of IAU and CRA must agree to investigate before a complaint moves forward.
11	Mediation is no longer mandatory for either party.

Investigation

Point

12	The proposal does not add additional staff to the CRA. The CRA needs more civilian investigators to complete work in a timely manner.
13	The ratio of sworn to civilian investigators will result in most investigations being assigned to sworn investigators.

Review Panel

Point

14	Residency has been removed as a requirement for panel members.
15	The Chief, not the Civilian Board Chair, is the tie-breaker on investigation decisions.

16	The proposal does not indicate how sworn members will be chosen nor does it specify the length of their terms.
----	--

Chief of Police Point

17	The proposal no longer requires the Chief of Police to give written reasons to the CRA Board for no-discipline decisions.
18	The Chief gets an unlimited amount of time to make disciplinary decisions on sustained cases.

Following the conclusion of the final community meeting, the Civil Rights and Minneapolis Police Department reviewed and adopted community input by changing the proposal in the following ways:

- Increasing the filing timeline for police misconduct complaints from 180 days to 270 days
- Created compulsory mediation for officers and complainants
- Included residency as a requirement for panel members
- Added requirement for the Chief of Police to give written reasons for any no-discipline decisions
- Clarified how long the Chief has to make disciplinary decisions on sustained cases

IV. NON-PROCESS-RELATED POLICY CONCERNS

The final section addressed the non-process-related policy points brought up by the public at the community meetings. These comments do not fit into the process and raise policy-related issues:

Point

19	The Chief has a consistently poor record in disciplining officers on CRA’s (and IAU’s) sustained cases.
20	Community members, CUABP and advocacy groups will not refer people to the new process.
21	City Council could introduce legislation to allow Minneapolis to have an elected CRA with more power and resources to hold officers accountable.

22	The City Council should consider a scoring system for the Chief. For every 50 complaints that are lodged to CRA, the Chief could lose 5% in pay.
23	Without the CRA/City Attorney firewall, people’s complaints in the OPCR could be used to prosecute them.
24	The money budgeted for the BPI transition should be used to “tweak” the current CRA.
25	Managers and officers should not be in the same union (Minneapolis Police Federation)
26	The proposal does not have outlined case auditing metrics or explain the power to act upon any concerns with the audit.

V. CONCLUSION

As per the request by the PSC&H Committee, the Department of Civil Rights conducted community meetings, shared the proposal with the public and gather feedback for the City Council’s consideration. Community comments encompass a wide variety of subjects but largely focused on the revised complaint process. Some common points were as follows: community participation, transparency and public comment. In response, the Department has worked with the Minneapolis Police Department to adopt several community points into the proposal. Most notably, the proposal now requires the Chief to provide written reasons for no-discipline decisions and mediations are now compulsory for complainants and officers. While the final proposal cannot address all the concerns expressed in these meetings, it captures relevant and achievable community goals.

I. APPENDIX CONTENTS

A	PowerPoint Presentation — Office of Police Conduct Review, version 1, July 25, 2012
B	Community Meeting Questions, August 1, 2012
C	Summary of Comments —Community Meeting #1, August 1, 2012
D	Emails
E	Flyer — Communities United Against Police Brutality
F	PowerPoint Presentation — Office of Police Conduct Review, version 2, August 16, 2012
G	Summary of Comments —Community Meeting #2, August 16, 2012
H	Public Comments —Community Meeting #3, August 21, 2012
I	August 22, 2012 Email
J	August 22, 2012 Letter from NACOLE Regarding Minneapolis CRA Re-design

OFFICE OF POLICE CONDUCT

July 25, 2012

Proposed
Ordinance
Changes

NEED FOR THE CHANGE

- **Three goals to achieve**
 - **Efficiency**
 - Faster results and outcomes
 - Streamlining the common work of the Department of Civil Rights and the Minneapolis Police Department
 - **Transparency and engagement**
 - Increase the level of transparency and access
 - More meaningful citizen involvement
 - **More effective oversight of the investigative processes**
 - Align the outcomes and results to expectations
 - Increase confidence in the process

THE PROCESS

- These proposed changes are a result of a collaboration between the City Attorney's Office, Civil Rights, and the Minneapolis Police Department.
- A core group from the Civil Rights Department, MPD Internal Affairs, and the City Coordinator's office met continuously from August 2011 until May 2012 to break down the complaint processes within Civil Rights and MPD Internal Affairs and redesign the process to ensure a fair, consistent, balanced, transparent and more timely approach to addressing police conduct complaints.
 - Presented to CRA Board on March 7, 2012; incorporated feedback from presentation
 - Adapted process to incorporate regulation changes in MN Statute § 626.89, subd. 2.
 - Civil Rights, MPD, and City Attorney met with board for a second time on April 4, 2012

THE PROPOSED CHANGES

■ Making a complaint

- Through the **Office of Police Conduct Review** - either the **Civilian Unit (CU; formerly CRA)** or the **Internal Affairs Unit (IAU)**
 - Via phone, email, in person, online
- **All** complaints are jointly triaged and assigned by CU & IAU supervisors
 - Now includes criminal complaints
 - Low level complaints may be referred to voluntary mediation or coaching
 - Assigned to either CU or IAU investigators

■ Advantages of these changes

- Standardized complaint process
- Pooling of limited resources – investigators and support staff
- Better workload balance
- Reduction/elimination of backlog of investigations
- Consistent communication & messaging
- Improved expectations & outcomes
- Consistent handling of complaints
- Immediate attention to low level complaints at precinct level
- Better caseload management

THE PROPOSED CHANGES

■ Conducting an investigation

- Combined investigations utilizing CU and IAU investigators and support staff
- Combined review and sign-off of investigation reports by CU and IAU supervisors
- Utilize existing investigative principles and procedures

■ Investigation report

- Complaint summary
- Case investigation
- Case summary
- Supportive documentation (e.g., video)

■ Advantages of these changes

- Standardized process and reports
- Consistent investigation reports – facts only
- Pooling of limited resources – investigators and support staff
- Pooling of knowledge, experiences and expertise
- Equal access to tools & resources
- Better workload balance
- Reduction/elimination of backlog of investigations
- Consistent communication & messaging
- Improved expectations & outcomes
- Better caseload management

THE PROPOSED CHANGES

■ The Review Panel

- Two civilians (four year terms)
 - Resident, business owner, employee in Minneapolis
 - Appointed by mayor & council
 - Assigned by Civil Rights director or designee
 - Pool of at least seven panelists
 - Analytical background
 - Independent thinker
- Two sworn officers
 - Assigned by Chief of Police or designee
 - Pool of officers consisting of Lieutenant & above rank
- Standardized report to the Chief of Police

■ Advantages of these changes

- Panel reviews complaints coming through IAU (new)
- Balanced perspectives
- Standardized process and review of reports
- Improved consistency and response times
- Reduced potential for conflicts of interest
- Separating the determination functions from the commission allows for a better alignment of skills to function

THE PROPOSED CHANGES

■ The Determination

- Chief of Police
 - Read review panel reports
 - Read the investigation report
 - Make determination of outcome and discipline
 - Return determination finding and supportive materials to Office of Police Conduct Review for final procedural steps
 - Recording
 - Notifying
 - Tracking
 - Measuring
 - Reporting

■ Advantages of these changes

- Responsibility for determinations sits with the Chief of Police
- Fresh review by Chief
- Standardized determination reporting
- More confidence in the outcome of the recommendation

THE PROPOSED CHANGES

■ Police Conduct Oversight Commission – formerly Civilian Review Authority Board

- Seven members
 - Residency requirement
- Appointed by Mayor and City Council
 - Three Mayoral appointments
 - Four City Council appointments
 - Max two; two year terms
- Monthly commission meetings
- City staff updates
 - Investigation results and measures
- Sub-committee activities
 - Outreach & education
 - Policy review
 - Auditing of investigations

■ Advantages of these changes

- Allows commission to focus on advocacy role and outreach, education, and policy activities
- Elimination of potential conflict between advocacy and adjudication activities
- New name of the commission better represents the work of the commission
- Allows greater opportunity for citizen engagement

STRUCTURAL COMPARISON

CRA

- Board (Mayor/City Council)
 - 11 citizens – residency req.
 - 4 year terms
 - 1 Operation
 - hearings and communication
- Hearing (now Reviews)
 - 3 board members
- Staff
 - 2 investigators
- Mediation-Mandatory

OPCR

- Commission (Mayor/City Council)
 - 2 Operations
 - Review
 - 7+members – no residency req.
 - 4 year terms
 - Communication
 - 7 members – residency req.
 - Max 2; 2 year terms
- Review (formerly Hearings)
 - 2 review members/2 MPD
- Staff
 - 9 investigators
- Mediation-Voluntary

PROCESS COMPARISON

CRA

- Intake – external
- Limited manager dismissal
- No MPD supervisor handling of low level complaints
- Independent review of investigations
- Mandatory Mediation
- Sustain/Not Sustain and Finding of Facts

OPCR

- Intake – internal and external
- Broader manager dismissal
- MPD supervisor handling of low level complaints
- Combined (CU/IAU) review of investigations
- Voluntary mediation
- Support/No Support recommendations

PROCESS REVIEW

- **Review, Assess, and Report**
 - Six month review
 - Create set of measures to monitor process; ensure outcomes are being met
 - Set up check-in meetings
 - Monitor process & adjust as needed until measures are being met
 - Communicate to stakeholders
 - Update City Council



1st Community Meeting to Discuss Proposed Changes to CRA Ordinance:

Discussion Questions

August 1, 2012

7:00 p.m. – 8:30 p.m.

350 S 5th Street City Hall Room 319

1. Considering the reality facing the CRA, how do you propose that the City of Minneapolis deal with police accountability while maintaining citizen involvement?
2. What is the most troubling aspect of the proposed changes?
3. What is the most positive aspect of the proposed changes?
4. What are the top two things that you would want to see changed in this proposed process?
 - a. How?

Community Meeting #1

August 1, 2012

7:00 p.m.

City Hall Room 319

Summary of points

Assistant Director Lee Reid presented the PowerPoint proposal of the Office of Police Conduct Review.

Points and questions presented by community members:

1. Could the complaint process require fewer resources if discipline occurred more consistently?
2. Has the City collected any survey data from complainants and officers or other stakeholders?
3. Why did the City wait to involve citizen input?
4. The proposal loses the ability to bring a solely civilian perspective to the Mayor, City and residents.
5. Citizens and police have different training and education and approach situations differently.
6. Civilians cannot state a preference for a civilian or sworn investigator.
7. Did the City look at the percentage of external complaints sustained by IAD?
8. How will there be accountability against loss of data, or preferential treatment of complaints?
9. The proposed ordinance changes deletes the City Attorney firewall which was something we put in place during the CRA redesign.
10. What is the complaint auditing process, in detail? What are the metrics for the sampling of "summary data" and who will determine those metrics? If there are concerns after an audit, what power is there to act?
11. The proposal removes the police chief's requirement to explain disciplinary decisions.
12. There is a lack of transparency when people don't know which investigators are assigned to which cases.
13. Use the current charter: make the chief discipline officers of sustained complaints and officers would be mindful they'd have consequences. "That would increase our confidence."
14. In the old ordinance, it says "complaints alleging misconduct including but not limited to:" and the proposal changes the language to "involving any of the following:" Why was that change made?
15. Start the whole process over with citizen involvement from the beginning
16. The problem is not the CRA – it's a lack of resources and empowerment. There is no need to fold it under Internal Affairs.

The views expressed herein are the speaker's
and do not necessarily represent those of the City of Minneapolis.

17. Properly fund the CRA and keep it separate.
18. We don't need checks and balances against the civilians.
19. Cut the budget of one or two investigators from the Internal Affairs Unit and move the money to CRA.
20. The proposal limits the timeframe in which a person can make a complaint down to six months.
21. The proposal says the panel shall issue within 3 days of the panel review and it must be in the proper format.
22. The Chief is not given a timetable for issuing disciplinary decisions.
23. The Communities United Against Police Brutality will not encourage people to file a complaint with the new proposed unit.
24. The premise appears to be that in order to change the police culture one must involve the police in the complaint process.
25. Mediation would become mandatory in the proposal instead of compulsory.

The views expressed herein are the speaker's
and do not necessarily represent those of the City of Minneapolis.

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Thursday, August 02, 2012 12:42 PM
To: Browne, Michael K.
Subject: FW: CRA Restructuring Part 1: Relations between CRA board and Asst. Civil Rights Director

From: cturchick@hotmail.com
To: don.samuels@minneapolismn.gov; cam.gordon@minneapolismn.gov; barbara.johnson@minneapolismn.gov; diane.hofstede@minneapolismn.gov; betsy.hodges@minneapolismn.gov; meg.tuthill@minneapolismn.gov
CC: rt@minneapolismn.gov
Subject: CRA Restructuring Part 1: Relations between CRA board and Asst. Civil Rights Director
Date: Mon, 23 Jul 2012 18:20:51 +0000

Dear Public Safety, Civil Rights & Health Committee Members:

I am writing concerning the CRA restructuring proposal that was introduced by Chair Samuels at the July 20 City Council meeting and that you will be considering at your July 25 meeting.

There is so much to say about this that I am dividing my thoughts into four separate emails. First, I will discuss how the process leading up to this proposal may have damaged the relationship between the CRA board and the Assistant Director of Civil Rights assigned to the CRA. The second email will deal with the process in developing this proposal and why I believe it was totally inadequate, in particular given whom the proposers identified as the "stakeholders." Third, I will make a few comments regarding the substance of this proposal. And fourth, I will discuss what the problem is that this proposal is supposedly attempting to deal with, and other possible solutions to that problem.

Throughout these emails, I will mention questions that I feel need to be asked and answered publicly at some point in your consideration of this major restructuring of the CRA. Some of the views I will express and questions I will raise in these emails can be found in a [tcdailyplanet post](#) that I quickly dashed off immediately after last Friday's City Council meeting.

From the outset the "business improvement process" (BPI) has been kept secret from the CRA board. At the November 9, 2011, Public Safety Committee meeting, Council Member Hodges asked a question about what was happening with the restructuring. Civil Rights Director Velma Korbelt said in response that Assistant Director Reid and Lt. Glampe of Internal Affairs had been meeting for some time on a weekly basis. If you look at the power point available on the agenda for your upcoming meeting, you will see on page 3 that those meetings began in August 2011. I viewed a video of that November 9 meeting some time in December, and I immediately typed up a transcript of the relevant portions and sent it to the CRA board. And while these meetings in the BPI process had been going on for four months at that time, it was all news to the CRA board members.

As you know, the CRA board rejected the Korbelt proposal by a 4-1 vote with one abstention, and then when several new board members were appointed in March 2012, the board quickly formed an ad hoc committee to develop an alternative proposal. They held at least three committee meetings in April 2012, and they were assisted by Assistant Director Reid in developing their alternative. I attended all of the committee meetings, and I believe Mr. Reid did too.

But again from page 3 of the power point available on your agenda, it indicates that the committee fine tuning the Korbelt proposal was meeting regularly until May 2012. I am assuming that Mr. Reid was still involved in those meetings.

So Mr. Reid was assisting the CRA board committee in developing its alternative proposal while simultaneously working on the Korbelt proposal. And he never revealed that fact to the CRA board committee members.

Finally, at its meeting of July 11, 2012, a member of the CRA board asked Mr. Reid what was happening with the restructuring proposal, and Mr. Reid responded that he hadn't heard anything. This was nine days before Chair Samuels introduced the first reading of the restructuring proposal and the massive overhaul of the CRA ordinance at the June 20,

2012, City Council meeting. Presumably, the entire ordinance overhaul took place in those nine days, because I am sure Mr. Reid, as a lawyer and as the most knowledgeable person in City government on the CRA, would have been involved in rewriting the ordinance. If the ordinance rewriting had begun before July 11, which I would bet my bottom dollar on, then Mr. Reid misled the CRA board in response to the board member's question at the July 11 meeting.

I don't believe Mr. Reid on his own would keep things from the board that are this significant for the CRA's and the CRA board's future operations. I believe he recognizes that the Assistant Director of Civil Rights assigned to the CRA and the CRA board must work together, be open with each other, and have a relationship that is built on trust.

I think it is incumbent on you to inquire of Mr. Reid or Ms. Korbelt at your committee meeting on July 25 whether Mr. Reid was instructed by anybody not to discuss what was happening in the BPI process and the development of the restructuring proposal. If this board or any future board is going to be able to work with Mr. Reid or any future Assistant Director, that information is an absolute necessity.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Thursday, August 02, 2012 12:43 PM
To: Browne, Michael K.
Subject: FW: CRA Restructuring Part 2: The process in developing the proposal -- corrected copy

From: cturchick@hotmail.com
To: don.samuels@minneapolismn.gov; cam.gordon@minneapolismn.gov; barbara.johnson@minneapolismn.gov; diane.hofstede@minneapolismn.gov; betsy.hodges@minneapolismn.gov; meg.tuthill@minneapolismn.gov
CC: rt@minneapolismn.gov; samuel.reid@minneapolismn.gov
Subject: CRA Restructuring Part 2: The process in developing the proposal -- corrected copy
Date: Mon, 23 Jul 2012 19:52:32 +0000

From: cturchick@hotmail.com
To: don.samuels@minneapolismn.gov; cam.gordon@minneapolismn.gov; barbara.johnson@minneapolismn.gov; diane.hofstede@minneapolismn.gov; betsy.hodges@minneapolismn.gov; meg.tuthill@minneapolismn.gov
CC: rt@minneapolismn.gov; samuel.reid@minneapolismn.gov
Subject: CRA Restructuring Part 2: The process in developing the proposal
Date: Mon, 23 Jul 2012 19:41:08 +0000

Dear Public Safety, Civil Rights & Health Committee Members:

The process sucked. It has been entirely top-down. The minutes of the March 7, 2012, CRA board meeting, the meeting at which Civil Rights Director Korbel presented the restructuring proposal to the CRA board, indicate that Ms. Korbel said "the stakeholders are complainants, respondents, the community, the City enterprise, the MPD, the City Attorney's Office, the Civil Rights Department, the CRA board, the Police Federation, city employees and policy-makers." (See minutes, page one.)

But at the November 9, 2011, Public Safety Committee meeting, in response to a question from Chair Samuels as to when the Public Safety Committee would hear back on the restructuring proposal, Ms. Korbel said: "...we are waiting until after all of the budget process is over, and we'll bring that back to you in the first quarter of 2012." And at another point, she said: "...we'll bring those recommendations back to you at the first of the year."

Clearly, absent a leak of the proposal by attorneys for the Police Officers Federation of Minneapolis at a February legislative committee hearing, there was no intent to bring the proposal to the CRA board. There simply would not have been time to do so and still report back to the Public Safety Committee "at the first of the year."

So one of the "stakeholders" identified by Ms. Korbel -- the CRA board itself -- was not going to be consulted at all in developing this massive restructuring of the CRA.

This intent is further demonstrated by Ms. Korbel's own comments at the March 7, 2012, CRA board meeting. Sheila Regan, an award-winning reporter for the tcdailyplanet.net, wrote the following in a March 8, 2012, article:

In a question and answer session with CRA Board members after her presentation, CRA board member Justin Terrell (who announced he was leaving the board) asked Korbel if the working group would be seeking input from the board. Korbel responded that the CRA board would have input, but also said that she wanted "to get things moving."

"I don't want to create an expectation here," she said. "I have gotten direction from the city council and the

mayor that we need to bring back to them responses to all of those stakeholders. We want to be as clear as we can on the process with some changes. In terms of wholesale change I don't think that's something that can apply. I don't want to get to the next budget cycle and not have something moving."

Even after circumstances forced Ms. Korbelt to bring the proposal to the CRA board, she made it clear that regardless of what the board thought, regardless of its considered input, no "wholesale change[s]" in the proposal were likely to be made.

Nevertheless, the CRA board formed a committee, which met at least three times and developed its own alternative proposal. That proposal, with much greater opportunity for community input than Ms. Korbelt's proposal, was passed unanimously by the CRA board at its May 2, 2012, monthly board meeting and sent to your committee and the Korbelt proposal's chief authors. (See [May 2, 2012, minutes](#), page 5.)

After submitting its unanimously-approved alternative, the CRA board never heard back -- not from you, not from Ms. Korbelt, not from Mr. Reid. If someone wanted to "diss" one of the Korbelt-identified "stakeholders," he or she couldn't have been more effective.

Another "stakeholder" Ms. Korbelt mentioned -- the community -- has been given even less regard. At the March 7, 2012, CRA board meeting, a couple of dozen community people turned out to express their views at the first ever public airing of the restructuring proposal. And before a word was heard from anyone in this "stakeholder" group, Ms. Korbelt walked out of the meeting. She said she would listen to the tape!

If memory serves me correctly, I believe the exact same thing happened at the April 4, 2012, CRA board meeting, when Ms. Korbelt, Chief Dolan, and City Attorney Segal all attended the meeting but left before any public comment was heard.

From that time until the July 20 City Council meeting first reading, to my knowledge there has been absolutely no outreach into the community on this proposal. It is my understanding that in all previous CRA restructurings and redesigns, there was community involvement from the outset -- input was sought, community people served on committees, and there was substantial community participation in developing any proposals. This time -- even though Ms. Korbelt identified "the community" as a "stakeholder," there was absolutely no community involvement at all.

This is particularly galling in that the CRA was an agency initially created by a bottom-up process, by pressure from the community. If any agency needs community participation in such a massive overhaul as is being proposed, it is the CRA.

Now, if you reply that the community will get a chance to have input at the upcoming public hearing, I've got a bridge I'd like to sell you. Typically, testimony at such hearings is limited to three minutes each, and there are so many proposed changes in the ordinance that one couldn't even begin to address them in three minutes. And when was the last time you went into a public hearing and had your vote changed by something you heard in the testimony? Usually the vote is taken right after the hearing, and it turns out the hearing is merely a pro forma procedure.

Of course, you might point out to me that members of the public could always submit something in writing. Well, let me tell you about that. I submitted something in writing to this very committee at the time of the recent appointments of the chair and vice chair of the CRA. I submitted it as soon as I saw that item on your posted agenda. I see that I emailed it on May 15, the day before your May 16 meeting at which the appointments would be considered. And do you know when Chair Samuels responded to my email? On June 27, I got an email from Chair Samuels saying "Late response but thanks Chuck!" So much for the effect that comments submitted in writing might have. (Oh, and so there's no assumption my email may simply have gotten lost in the flood of emails you probably receive, it was titled "Appointment of Robert Briscoe as Chair and Vernon Wetternach as Vice Chair of CRA.")

Given this almost total lack of consideration of the input of both the CRA board and of the community -- two groups identified as "stakeholders" in this process -- I would suggest that you postpone your anticipated August 8, 2012, public hearing until Ms. Korbelt has made a good faith effort to seriously consider the thoughts of those "stakeholders." There are several obvious groups in the community who might have strong concerns about the CRA. None have been contacted. They need to be to give this process even an ounce of credibility.

The process so far has sucked.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Thursday, August 02, 2012 12:44 PM
To: Browne, Michael K.
Subject: FW: CRA Restructuring Part 3: The substance of the proposal

From: cturchick@hotmail.com
To: don.samuels@minneapolismn.gov; cam.gordon@minneapolismn.gov; barbara.johnson@minneapolismn.gov; diane.hofstede@minneapolismn.gov; betsy.hodges@minneapolismn.gov; meg.tuthill@minneapolismn.gov
CC: rt@minneapolismn.gov; samuel.reid@minneapolismn.gov
Subject: CRA Restructuring Part 3: The substance of the proposal
Date: Tue, 24 Jul 2012 17:05:49 +0000

Dear Public Safety, Civil Rights & Health Committee Members:

You know how they say "the devil is in the details." Well, that's not the case in the CRA restructuring proposal. The devil here is in the big picture, the wholesale dismantling of civilian review in any meaningful sense. I will discuss a few of the proposal's details that did jump out at me, but I ask that you keep in mind that I do not believe this proposal can be "fixed" by making a revision here or a revision there.

"Best Practices." I believe I heard Director Korbel in one of her presentations -- either to the CRA board or to a legislative committee -- refer to "best practices" in describing the restructuring proposal. She mentioned some civilian review approaches adopted in other cities. Two that I remember were Seattle and St. Paul. The minutes of the [April 4, 2012, CRA board meeting](#) attribute this remark to Chief Dolan as well: "Dolan told the board that this proposal...is based on best practices throughout the country." (See minutes, page one.)

"Best practices," a term that has gained currency as a buzzword in recent years, seems to imply that some group or organization has studied several different forms of a structure or practice and determined which are the "best." I know of no such group that has advocated for "best practices" in civilian oversight of police. Of course, there's NACOLE (National Association for Civilian Oversight of Law Enforcement) and IACOLE (International Association for Civilian Oversight of Law Enforcement), so I went on NACOLE's website, and I couldn't find any model of civilian oversight that included determination boards comprised of equal numbers of civilians and police officers -- let alone a description of that model as the "best practice." It is true the St. Paul Police Civilian Review Commission includes officers, but the numbers are 5 to 2 in favor of the civilians. (And of course you won't be told that the St. Paul model requires residency in the city -- even for the officers on the commission -- and has the authority to recommend what action should be taken with respect to an officer against whom a complaint is sustained.)

So when someone throws "best practices" at you, take it with a grain of salt. Ask them how it was determined this was a "best practice," and by whom.

Proposed changes in 172.20. Scope of authority: "Including but not limited to." This section provides a list of the officer misconduct covered by the ordinance. The current ordinance includes this language: "...including, but not limited to, the following." The new wording eliminates "including, but not limited to" and replaces it with "involving any of." Now, I believe officers do have a right to know what conduct might subject them to a complaint, so general language like "including but not limited to" does create problems for me. But I would want to know what the reasons were for the original drafters to have included this phrase before suggesting that it be eliminated.

Proposed changes in 172.20. Scope of authority: "Retaliation." The current ordinance includes "Retaliation for filing a complaint with the review authority"; the new language only says "Retaliation." In the early and mid-1990s, on several occasions I suggested to the CRA board that it propose adding a retaliation provision to this list of possible misconduct, which it did not include at the time. The intention, of course, was to bring the CRA ordinance in line with numerous other federal, state and local civil rights laws that forbade retaliatory conduct against someone filing a complaint. I'm not sure what other "retaliation" is being referred to here. "She slapped me, so I slapped her back"? "He

swore at me, so I swore at him"? I believe the purpose of the retaliatory provision should be to make it clear to officers that they are not to take improper actions against someone who filed a complaint against them. If other "retaliatory" actions are meant to be included by eliminating the "for filing a complaint" language, I think that language would still be useful to put officers on notice what retaliation is of particular concern. So I would suggest keeping the language in, if necessary by wording it, "Retaliation, including retaliation for filing a complaint with the Office of Police Conduct Review."

Proposed 172.40. Review panel procedure. It says here in (3): "The panel shall review and discuss the investigative report but shall take no testimony or argument from witnesses or parties unless a request from the panel is specifically approved by the office of police conduct review." **Proposed 172.30. Complaint filing, preliminary review and investigation. (c) Complaint investigation,** reads in part: "The investigative report shall not include any recommendation or conclusion regarding the merits of the complaint." Putting those two provisions together means the complainant may never get to speak to anyone who will be involved in making the decision on his or her complaint. They talk to the investigator, who has no recommending -- let alone decision-making -- power; they may not talk to the review panel; and they won't be talking to the Chief of Police. I don't think that's an adequate procedure if one of the purposes is to make the complainant feel that his or complaint is being taken seriously.

Proposed 172.40. Review panel procedure. (5). This section reads: "The recommendation shall include the votes of each panelist, and in the event the panel is evenly divided on any recommendation, such division shall be noted." There are at least a couple of problems with this section.

First, if the recommendation is split 2-2, what does that mean in terms of whether the complaint was sustained or not? Two sections below, (7) reads in part: "The office shall provide written notice to the complainant of any allegation not sustained in the review panel's recommendation." Is a 2-2 recommendation sustained or not sustained? The provision in (7) requires knowing the answer to that question. In her presentation to the CRA board at their March 7, 2012, meeting, Director Korbelt said it was proposed she would be the tiebreaker. (See minutes, page 5.) In his comments to the board at their April 4, 2012, meeting, Chief Dolan said a 2-2 vote would move "forward to the Chief for a decision." (See minutes, page 2). In fact, it seems all cases move forward to the Chief for a decision, but it still is not clear whether a 2-2 vote is a recommendation to sustain or not.

Second, if there are a ton of cases that result in 2-2 votes -- with the split being civilians on one side and officers on the other -- this new review authority is going to lose all credibility. So we must ask if we can expect that to be a regular occurrence. Well, the only evidence we have in Minneapolis of how civilians and police officers may see cases of misconduct differently is the last 21 years of the CRA. There we had citizen panels sustaining or not sustaining complaints, and police chiefs making disciplinary decisions on those that were sustained. And what did we find? We found that consistently -- across the administrations of four different chiefs of police -- when citizens would find misconduct, chiefs would disagree and refuse to discipline. That does not bode well for four-member panels.

Proposed 172.60. Review panel civilian appointments. (b) Qualifications. This section reads in part: "All members shall be residents of the city or currently employed at a location within the city or an owner, officer or director of a business or non-profit entity located within the city." It is nowhere stated in the ordinance, but since there is no residency requirement to be a police officer in the MPD, presumably there is no such requirement for the officers selected for these review panels. So a Minneapolis resident may have his or her complaint reviewed -- and a recommendation to sustain or not sustain based on that review -- by four non-residents of Minneapolis. That is not a healthy situation.

I would suggest some data might be helpful here. What percent of the complaints currently filed with the CRA are filed by non-residents of Minneapolis? What percent of the sustained cases are filed by non-residents? How many non-resident property owners or non-resident employees or non-resident board members are filing such complaints? That data might be extremely helpful in deciding whether owners, officers, directors, and employees who do not live in Minneapolis should be on these review panels.

The inclusion of officers on review panels. This major change in the review process in Minneapolis seems to be based on the idea that civilians do not have the proper training and/or experience to evaluate what is proper and what is improper officer conduct. What the idea ignores is that every day, citizens with far less training than is currently required of CRA board members make decisions on whether police conduct was proper or not. We call those people "jurors." And their decisions have ramifications far greater than the ramifications that result for CRA board decisions.

These were just a few things that jumped out at me, one individual non-lawyer citizen, after a cursory skimming of the proposed ordinance. Obviously, far greater input from the community is needed on such a major overhaul.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Thursday, August 02, 2012 12:45 PM
To: Browne, Michael K.
Subject: FW: CRA Restructuring Part 4: What's the problem we're trying to address?

From: cturchick@hotmail.com
To: don.samuels@minneapolismn.gov; cam.gordon@minneapolismn.gov; barbara.johnson@minneapolismn.gov; diane.hofstede@minneapolismn.gov; betsy.hodges@minneapolismn.gov; meg.tuthill@minneapolismn.gov
CC: rt@minneapolismn.gov; samuel.reid@minneapolismn.gov
Subject: CRA Restructuring Part 4: What's the problem we're trying to address?
Date: Wed, 25 Jul 2012 02:14:38 +0000

Dear Public Safety, Civil Rights & Health Committee Members:

We're in the home stretch now. I think this is my final email on the CRA restructuring proposal. Well, at least in this series of emails on the topic.

I see that on page 2 of the Power Point presentation available on your committee's agenda website that three goals are listed: efficiency, transparency and engagement, and more effective oversight of the the investigative processes. I must admit that even though I've been following the CRA for some time now, much of the language on this slide was nebulous to me.

Let's get real. The problem we're trying to solve is that the current Chief of Police -- and the three who preceded him -- consistently have not seen fit to issue discipline to officers against whom complaints have been sustained by the CRA. If that's what "align the outcomes and results to expectations" on page 2 of the Power Point means, then well and good. If it's just bureaucratic gobbledygook, someone ought to say so, and it might as well be me.

As required by the ordinance, Chief Dolan has been giving his reasons for his frequent no-discipline decisions in CRA-sustained cases. Any fair reading of the ordinance makes it clear many of those reasons are (or were at the time those reasons were given) unlawful reasons. Alleged bias of the investigators, associations of the complainant, disagreement with the facts as determined by the CRA hearing panel, the use of the reckoning period as an internal MPD rule that in effect created a statute of limitations contrary to the ordinance -- had someone wanted to "align the outcomes and results to expectations," maybe all they needed to do was to tell the Chief he had to give legal reasons for his no-discipline decisions.

I believe I have written you previously that I have challenged Peter Ginder of the City Attorney's office to find me a single lawyer in the city who does not work for that office and agrees with their interpretation of various parts of the current -- well, up until August 1 -- CRA ordinance. He asked me if his brother, who apparently is a lawyer, would be okay, and I said, "Yes, have him call me." No call so far.

The "Safe City Resolution," passed unanimously the the Council in 2006 had a goal of 100% discipline in CRA-sustained cases. Chief Dolan said maybe 90% would be more achievable. The numbers have fallen far short of either of those goals.

Maybe this entire problem is on you, the members of the City Council. As I wrote in a previous email, either you are appointing incompetent board members -- incompetent because they must be clueless as to what constitutes police misconduct -- or you are appointing delusional board members -- delusional because they expect discipline from the Chief will follow their findings of officer misconduct.

And this isn't just a few bleeding-heart liberal board members. The three Participation in Performance Review of Chief Dolan documents have all been unanimously approved by the board, with a single abstention the first year the performance review was written. And those reports consistently and uniformly give the Chief low marks on his disciplinary

decisions. The board's previous chair, Don Bellfield, a Republican no less, has said the CRA cannot function if the Chief continues not to discipline in CRA-sustained cases.

So lo and behold, this new restructuring will in fact "solve" this problem. There will be 100% discipline in all sustained cases. Why? Because the Chief is the one who makes the determinations under the Korbelt plan. And he or she will only make sustained determinations in cases he or she intends to discipline. Problem "solved." And that will mean the statistics will totally change, but everything will really remain the same. The figures will mean absolutely nothing.

Deputy Chief Gerlicher once told me that it is no way to run a department to have the Chief discipline subordinates when he or she does not believe misconduct has occurred. The Deputy Chief may have a point. But that in fact is the current situation, and will remain the situation, because the Mayor is the one who is responsible for officer discipline, according to the City Charter. And the Mayor has in fact told me that he still has the ultimate responsibility and can overrule the Chief. So if the Chief can be required to discipline because the Mayor overrules a decision, why is it such a calamity if a review board has a similar authority (pre-August 1, of course)?

This issue seems to have come to a head especially in the last few years. Maybe it's because the CRA board has gone public with its concerns, by putting out the Participation in Performance Review reports. Maybe the real issue is the powers-that-be in City government are just too uncomfortable with one agency publicly criticizing another agency. And the media inevitably laps up such inter-agency criticism. But, of course, the whole idea of Results Minneapolis depends on being open with public evaluations of how City agencies are performing. If Results Minneapolis is really a serious evaluative tool, those powers-that-be should welcome public criticism. But maybe it's just a public relations gimmick.

Maybe a better solution than a massive overhaul would be to have some third party weigh in when the CRA board and the Chief are at an impasse. Whenever the board, after hearing out the Chief's explanations, is not satisfied with either the reasons given or the level of discipline, maybe the Mayor could resolve the dispute. For the first time in the CRA's history, the board recently took precisely that action in forwarding a case in which they had particularly strong feelings about the Chief's discipline decision to the Mayor, asked him if he felt the discipline was appropriate. As of the July 11 board meeting, they hadn't heard back yet.

Another suggestion to circumventing the Chief's unlawful use of the reckoning period -- other than telling him it's unlawful -- might be to look at the caseloads for CRA-type cases within Internal Affairs, see how many hours investigators are requiring in each agency on individual cases -- assuming, of course, neither agency is giving cases short shrift -- and if it turns out that CRA investigator caseloads are significantly higher, why not work on the problem by simply adding an investigator to the CRA staff and subtracting one of the Internal Affairs staff? That certainly beats re-doing the entire system.

There are many other ideas floating around about how to address the problem of officer misconduct and the significant settlements the City ends up paying out each year. A former CRA board chair has expressed some thoughts; a CRA board member who just left the board a few months ago was also thinking about how to redo the accountability process. But none of their ideas were ever considered by the closed process that led to the proposal before you. It's as if there are forces in this City that really don't want to seriously consider what would help address either the problem of police misconduct or the problem of four Chiefs who did not want to discipline CRA-sustained cases. If the plan that is being proposed costs more than simply going back to the pre-1991 situation where all that existed was the IAU, you're probably wasting taxpayer money. The proposed restructuring has no chance of solving the problem.

A final comment. You can go to CRA board meetings or Public Safety Committee meetings for years and not hear a single word about the blue wall of silence. If you are really serious about reducing officer misconduct, that's where you should start. I've been told that in its entire history, the CRA has never had an officer testify against another officer or implicate another officer in his or her statement to an investigator. Officers are trained, expert witnesses. They are frequently at the scene of alleged officer misconduct. Granted, their attention is not usually focused on other officers, but in 21 years, you would think a trained, expert witness just might have caught something out of the corner of his or her eye.

Surveys of officers where their anonymity is guaranteed show astonishingly high percentages of officers willing to lie for themselves, their partners, and other officers. In all of my years of attending CRA board meetings, no board member has addressed this issue. It's probably the same in this committee. I've never heard any public official ask the Chief whether he believes there is such a wall of silence. If any Chief said no, he or she is likely in a state of denial and probably not fit to be a Chief of Police. Just to get a Chief to acknowledge publicly its existence would be an incredible first step in breaking down the "us vs. them" climate that is all too common on both sides between various communities and the police.

I've rambled enough. Suggest real solutions to the problems this proposal is claiming to address. Or require the drafters of this proposal to go out and get public input. Or send the proposal back to the drawing board. Or start thinking out-of-the-box about ways to reduce officer misconduct and break the divide between the police and the citizens. But for heaven's sake, don't pass this proposal in its current form. That would be the worst of all the alternatives.

Sincerely,

Chuck Turchick
612-871-8793

:

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Thursday, August 02, 2012 12:45 PM
To: Browne, Michael K.
Subject: FW: CRA concern more serious than restructuring proposal

From: cturchick@hotmail.com
To: don.samuels@minneapolisnmn.gov; barbara.johnson@minneapolisnmn.gov; betsy.hodges@minneapolisnmn.gov; cam.gordon@minneapolisnmn.gov; diane.hofstede@minneapolisnmn.gov; meg.tuthill@minneapolisnmn.gov
CC: lisa.goodman@minneapolisnmn.gov; john.quincy@minneapolisnmn.gov; kevin.reich@minneapolisnmn.gov; sandy.colvin.roy@minneapolisnmn.gov; robert.lilligren@minneapolisnmn.gov; elizabeth.glidden@minneapolisnmn.gov; samuel.reid@minneapolisnmn.gov; velma.korbel@minneapolisnmn.gov; bobbybriscoe@yahoo.com; lpettis.cra@gmail.com; johncetta.minneapolisra@gmail.com; pargom@puc-mn.org; vwetternach@comcast.net; pkvider7@msn.com; al.giraud@comcast.net; npcichowicz@hotmail.com
Subject: CRA concern more serious than restructuring proposal
Date: Thu, 2 Aug 2012 04:33:09 +0000

Dear Public Safety, Civil Rights and Health Committee Members:

I attended the CRA board's monthly meeting tonight, as well as the first community meeting to take public comments on the CRA restructuring proposal. And while I wrote about this topic in a previous email titled "CRA Restructuring Part 1: Relations between CRA board and Asst. Civil Rights Director," I thought it was important enough to send yet another email to this committee.

During the CRA board meeting, a board member asked Assistant Director Reid whether there was a conflict of interest in that while he was assisting board members in putting together an alternative CRA restructuring proposal, he was also working on the original proposal and didn't inform board members of his continuing involvement in that process. I believe the board member also asked whether Mr. Reid was instructed not to discuss with the board his work on the proposal. Mr. Reid had no comment on this matter, but he sort of indicated that once he assumed his new position as Executive Director of the Atlanta Citizen Review Board -- he resigned as Asst. Civil Rights Director, effective August 14 -- he might have more to say.

Then during the community meeting, I asked Mr. Reid a personal question. I asked whether he personally supported the proposal he had presented to us, and whether he had been instructed not to publicly criticize the proposal. Mr. Reid responded that he doesn't answer personal questions.

After the meeting, I asked Mr. Reid what kind of civilian review model Atlanta used, and he said it was the independent model currently in existence here -- a citizen board, independent civilian investigators, hearing panels comprised of citizens and no police officers, and more strongly than here, the panels could recommend to the Chief the level of discipline they thought was appropriate.

So you go figure whether Mr. Reid supports the proposal he allegedly was at the heart of developing, along with Lieutenant Glampe and Jodi Molenaar-Hanson of the City Coordinator's office. My heavens, there's certainly been a lot of talk about "buy-in," and one of the two primary people who supposedly came up with this CRA restructuring probably doesn't even support it himself! And to think that Director Korbel, in response to questions from some of you as to why there wasn't more community involvement, responded that this was a staff-initiated proposal! Balderdash!

It does appear that Mr. Reid may well have been under instructions not to discuss the ongoing development of the CRA restructuring proposal with the CRA board itself. They didn't even know the process was under way until informed by me in mid-December, four months after the process began, according to the power point presentation.

Mr. Reid was in an impossible situation. He does not work for the CRA board. Rather, he is an employee of the Civil Rights Department. But I believe he now has an ethical obligation not to put his successor in the same impossible

situation. As City Council members you too may have this ethical obligation.

What occurred here needs to be cleared up. I believe it's far more important than any restructuring proposal under consideration or even adopted. If the Assistant Civil Rights Director assigned to the CRA is being instructed to keep things from the board that are crucial to the effectiveness of both the agency and of the board, that is hardly a constructive environment for the new Assistant Director to be entering. It should not be tolerated by the board or by you.

Now, I know you adore Director Korbel for getting rid of a big backload of cases in one of the Civil Rights Department's divisions. But tonight it became even clearer to me that this situation with the CRA cannot continue. Answers are needed. I'm not saying you must do this in an open, public forum, but someone -- and one board member tried last night -- needs to get to the bottom of this. I urge you to inquire of Mr. Reid and of Ms. Korbel.

I also note that this is not a one-time occurrence centering on the restructuring proposal. Several months ago, when the CRA board's Participation in Performance Review of MPD Chief Dolan was first posted, then withdrawn, board members inquired regarding under whose authority it was withdrawn and what were the reasons, and they could get no answers from Mr. Reid.

How can the board and an assistant director work together under those circumstances? Well, they can't, and if you fail to rectify this situation now, it surely will arise again in the future.

Sincerely,

Chuck Turchick
612-871-8793

P.S. I feel this matter is so important that I am copying the email to the rest of the City Council, as well as the CRA board.

Browne, Michael K.

From: Kenneth E. Brown Sr. <ablenotdisabled@aol.com>
Sent: Sunday, August 05, 2012 3:11 PM
To: Colvin Roy, Sandra K.
Cc: Gordon, Cam A.; Glidden, Elizabeth A.; Browne, Michael K.
Subject: follow up 2

Do you have a response on the questions raised in my prior e-mail regarding the CRA?

The CRA is not the problem with the police. The police are the problem with the police.

In 2009 the Mayor wanted to terminate the CIU of the Civil Rights department. Councilman Glidden put forth an amendment which created a study/review of the MDCR. During the review Asst. Director Reed was adamant that the CRA be in dependant of the IAU at least in part due to Safety concerns by citizens filing complaints. There must have been support for this as the CRA was located in a building away from City Hall.

He stated an additional investigator and a full compliment of CRA board members would help them on the way to improvement.

During the public meeting the other day I reminded him of his position and presentation in 2009. I asked him if "Money" was the driver of the secret process used under the guise of BPI to eliminate citizen oversight of the police department. He did not answer the question. The entire leadership of the MDCR was in the room and no one responded to the question. As a mater of fact many of the citizens questions went unanswered.

Can you find out why Asst. Director Reed was giving the presentation if he has resigned? Many of his answers were inappropriate and dismissive as he always started with: "I won't be here, but." The citizens deserve to hear from the people that "will be here" as they are the ones to be held responsible and accountable for this mess.

Please respond with the time required to answer the questions.

Kenneth Brown

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Friday, August 10, 2012 6:36 AM
To: charles turchick
Subject: FW: CRA restructuring and "subject-matter experts" on civilian oversight of police

From: cturchick@hotmail.com
To: don.samuels@minneapolismn.gov; barbara.johnson@minneapolismn.gov; betsy.hodges@minneapolismn.gov; cam.gordon@minneapolismn.gov; diane.hofstede@minneapolismn.gov; meg.tuthill@minneapolismn.gov
CC: samuel.reid@minneapolismn.gov; velma.korbel@minneapolismn.gov; bobbybbriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; pkvider7@msn.com; vwetternach@comcast.net
Subject: CRA restructuring and "subject-matter experts" on civilian oversight of police
Date: Fri, 10 Aug 2012 09:38:27 +0000

Dear Public Safety, Civil Rights and Health Committee Members:

Twice during your July 25, 2012, committee meeting, Civil Rights Director Velma Korbel, in support of the CRA restructuring proposal, referred to Assistant Civil Rights Director Lee Reid and Lieutenant Travis Glampe, head of the Minneapolis Police Department's Internal Affairs Unit, as "subject-matter experts" when it comes to civilian oversight of police.

Given that claim, wouldn't it be valuable to have Mr. Reid's expert opinion on this restructuring proposal? At the August 1 community meeting on this issue, I asked Mr. Reid for his personal opinion about the proposed restructuring that he was presenting. He declined to answer. Instead, I should have asked for his opinion as an expert.

As you know, Mr. Reid has resigned his position effective some time next week. He has accepted a similar position with the Atlanta Citizen Review Board, which interestingly uses an oversight model very similar to the current Minneapolis model -- civilian investigators, hearing panels made up of non-police officer citizens, discipline power residing in the Chief. (One of the few differences is that in Atlanta, the hearing panels can recommend what they consider to be the appropriate discipline.) Mr. Reid has given some hints that once he is in Atlanta, he may be more willing to talk about the CRA situation in Minneapolis.

I would suggest that at that time -- and before you make your decision on the CRA restructuring proposal -- you inquire of Mr. Reid what his expert opinion is of the restructuring proposal. You, as decision makers, certainly ought to have access to the expertise of those people Director Korbel has dubbed her "subject-matter experts" in developing this proposal.

I think you will be surprised.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 14, 2012 1:59 PM
To: Samuels, Don H.; Johnson, Barbara A. - City Council; Hodges, Betsy A.; Gordon, Cam A.; Hofstede, Diane T.; Tuthill, Meg M.
Cc: Reid, Samuel L.; bobbybriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; pkvider7@msn.com; vwetternach@comcast.net; Segal, Susan L.; Fussy, Joel M.; Office of Tim Dolan; Korb, Velma J; Glampe, Travis
Subject: CRA Restructuring Proposal: The Goal of Increased Transparency

Dear Public Safety, Civil Rights and Health Committee Members:

One issue I neglected to mention in my previous too-numerous emails on the CRA restructuring proposal is the goal of increased transparency (see slide 2 of the posted [Power Point](#)).

I'm not at all sure where in the proposal transparency is increased. Maybe this refers to the Assistant Director of Civil Rights having access to all complaints filed with IAU. Maybe it refers to the "[a]uditing of investigations" by the Police Conduct Oversight Commission (see slide 8 of the [Power Point](#)). If it's the former, transparency for the public is not increased. And if it's the latter, a more careful reading of the proposed ordinance indicates the auditing will be of "summary data and...aggregate statistics" (see [proposed ordinance, Sec. 172.80\(f\)\(2\) on p. 10](#)), which hardly amounts to any transparency by this Oversight Commission with respect to the particulars of any individual investigation.

But transparencies now contained in the CRA ordinance will be eliminated. Specifically, and probably the most important transparency for the public, the current requirement that the Chief of Police must give written reasons to the CRA board for any no-discipline decisions. The listing of these reasons in the CRA annual and quarterly reports, sometimes tying the no-discipline decision to a specific fact situation, is of tremendous value for the public.

That is how the public was made aware the Chief was using reasons such as investigator bias, "the criminal past or associations of the complainant," "the reckoning period," "dispute with facts," "credibility" of the complainant, "factual issues with CRA findings," "insufficient evidence" and "disagreement with facts as determined by the CRA board" -- all improper if not unlawful reasons. And frankly, that is how the public was able to see the lack of response to these improper reasons from both the City Attorney's office and from the members of this committee.

That transparency, absolutely vital to the public, is eliminated in the proposal under consideration.

The goal of increased transparency is ironic. As I have written in previous emails, unlike every previous re-design of the CRA, this "business process improvement" was done entirely in secret. Perhaps it did start out as a BPI, which I'm assuming generally leads to tweaking of the process here and there to make it more efficient. But once it became clear, which according to Director Korb occurred early on in the process, that the BPI was leading to a massive overhaul of the entire agency and civilian oversight, the process should have been opened up, the public should have been invited in to participate, and there should have been much, much greater transparency.

That, of course, did not happen, and because it did not happen, the goal of increased transparency becomes almost laughable.

Former President Clinton once said that the public is more interested in results rather than process. I think he was responding to criticisms of secret meetings and deals in his massive health care initiative. Well, he was wrong. Democracy is all about the process. And that's what was missing in this CRA restructuring proposal.

For that reason alone, you should start over. From scratch.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Friday, August 17, 2012 5:45 AM
To: Samuels, Don H.; Johnson, Barbara A. - City Council; Hodges, Betsy A.; Gordon, Cam A.; Hofstede, Diane T.; Tuthill, Meg M.
Cc: Korbelt, Velma J; bobbybriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; pkvider7@msn.com; vwetternach@comcast.net; Fussy, Joel M.; Segal, Susan L.; Office of Tim Dolan; Browne, Michael K.
Subject: CRA restructuring proposal: police veto power on complaints

Dear Public Safety, Civil Rights and Health Committee Members:

As you know, I have been closely following and making suggestions on the CRA restructuring proposal, to the extent one can follow a proposal developed in secret and make suggestions on a proposal for which no significant changes are going to be made before it is brought back to you for your consideration (see Director Velma Korbelt's comments to the CRA board in the minutes of the March 7, 2012, board meeting, page 3). And at yesterday's second community meeting to receive public feedback on the proposal, I did learn several new things. One of them was kind of scary.

I am pretty dense, so sometimes I have to hear things several times before they sink in. Last night during her presentation, Ms. Korbelt said that both of the heads of IAU and CRA will have to agree before the investigation on a complaint will go forward. This is consistent with the language of the proposed ordinance (Sec. 172.30(b)):

Complaint Review. All complaints shall be jointly and collaboratively assessed and prelliminarily reviewed by supervisory staff of the office from both the civilian unit and the internal affairs unit.

Well, the obvious question is: What if the IAU and CRA staff disagree? Ms. Korbelt's answer was that she and the Chief of Police would break such ties, and in that decision, she and the Chief would also have to agree. I didn't ask what would happen if they disagreed, but I'm assuming there would be no further tiebreaking mechanism, and the complaint would simply not be investigated.

The practical effect of this is that someone in the police department -- either the IAU staff person or the Chief -- will in effect have veto power over any complaint going forward into the investigatory phase. Let me repeat that: the police department will have unfettered power to decline to investigate any and all complaints that are currently filed with the CRA.

As I said, that is scary.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: Patrick Kvidera <PKvider7@msn.com>
Sent: Friday, August 17, 2012 7:43 AM
To: Samuels, Don H.; Johnson, Barbara A. - City Council; Hodges, Betsy A.; Gordon, Cam A.; Hofstede, Diane T.; Tuthill, Meg M.; charles turchick
Cc: Korbelt, Velma J; bobbybriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; vwetternach@comcast.net; Fussy, Joel M.; Segal, Susan L.; Office of Tim Dolan; Browne, Michael K.; Reich, Kevin A.
Subject: Re: CRA restructuring proposal: police veto power on complaints/possible solution?

Thank You Chuck,

Dear Public Safety, Civil Rights and Health Committee Members:
That does sound scary and much like the current and past problems with Internal Affairs that brought about the Civilian Review in the first place.

A solution to that minor problem would be easy: If this BPI must go through mostly as is, let the Civilian Board Chair be the tie breaker, that would be truer to the Civilian Review aspect.

I forgot to ask my big question last evening: How is this new proposal going to get the police in line and save the city the millions of dollars in court settlements?

I realize there are going to be some "Accidents" that cause the loss of cases, example: the Federer case where the system broke down, but when the police do not follow policy and training they need to be held accountable. I see this BPI resulting poorer results in that respect more then the current statute.

I wish I had the time to research all the references that Dave Bicking and others gave reference to. It will be interesting to hear at the next meeting if they were considered in this BPI?

Sincerely,

Patrick Kvidera
CRA Board Member
612-789-4905

----- Original Message -----

From: [charles turchick](mailto:charles.turchick)
To: don.samuels@minneapolisismn.gov ; barbara.johnson@minneapolisismn.gov ; betsy.hodges@minneapolisismn.gov ; cam.gordon@minneapolisismn.gov ; diane.hofstede@minneapolisismn.gov ; meg.tuthill@minneapolisismn.gov
Cc: velma.korbelt@minneapolisismn.gov ; bobbybriscoe@yahoo.com ; al.giraud@comcast.net ; johncetta.minneapolisra@gmail.com ; lpettis.cra@gmail.com ; npcichowicz@hotmail.com ; pargom@puc-mn.org ; pkvider7@msn.com ; vwetternach@comcast.net ; joel.fussy@minneapolisismn.gov ; susan.segal@minneapolisismn.gov ; tim.dolan@minneapolisismn.gov ; michael.browne@minneapolisismn.gov
Sent: Friday, August 17, 2012 5:44 AM
Subject: CRA restructuring proposal: police veto power on complaints

Dear Public Safety, Civil Rights and Health Committee Members:

As you know, I have been closely following and making suggestions on the CRA restructuring proposal, to the extent one can follow a proposal developed in secret and make suggestions on a proposal for which no significant changes are going to be made before it is brought back to you for your consideration (see Director Velma Korbelt's comments to the CRA board in the [minutes of the March 7, 2012](#), board meeting, page 3). And at yesterday's second community meeting to receive public feedback on the proposal, I did learn several new things. One of them was kind of scary.

I am pretty dense, so sometimes I have to hear things several times before they sink in. Last night

during her presentation, Ms. Korbel said that both of the heads of IAU and CRA will have to agree before the investigation on a complaint will go forward. This is consistent with the language of the proposed ordinance (Sec. 172.30(b)):

Complaint Review. All complaints shall be jointly and collaboratively assessed and prelliminarily reviewed by supervisory staff of the office from both the civilian unit and the internal affairs unit.

Well, the obvious question is: What if the IAU and CRA staff disagree? Ms. Korbel's answer was that she and the Chief of Police would break such ties, and in that decision, she and the Chief would also have to agree. I didn't ask what would happen if they disagreed, but I'm assuming there would be no further tiebreaking mechanism, and the complaint would simply not be investigated.

The practical effect of this is that someone in the police department -- either the IAU staff person or the Chief -- will in effect have veto power over any complaint going forward into the investigatory phase. Let me repeat that: the police department will have unfettered power to decline to investigate any and all complaints that are currently filed with the CRA.

As I said, that is scary.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: Diane Wiley <DWiley@njp.com>
Sent: Friday, August 17, 2012 9:46 AM
To: charles turchick; Samuels, Don H.; Johnson, Barbara A. - City Council; Hodges, Betsy A.; Gordon, Cam A.; Hofstede, Diane T.; Tuthill, Meg M.
Cc: Korb, Velma J; bobbybriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; pkvider7@msn.com; vwetternach@comcast.net; Fussy, Joel M.; Segal, Susan L.; Office of Tim Dolan; Browne, Michael K.; AMorrison@Wold-Law.com; Adriel Villarreal; Allan Shapiro; acohen@mauzylawfirm.com; Birrell@birrelllaw.com; andrewbirrell@mn.rr.com; birrell@visi.com; andy@driscollgroup.com; ajuergens@wmitchell.edu; ArthurTHimmelman@aol.com; barbarajones@minnlawyer.com; kroll@calabash.org; benkreil@bitstream.net; Ben Kreillkamp [kreillkamp@gmail.com]; wdharper@hpinjurylaw.com; mauzylaw@aol.com; bob@robertkolstad.com; Bob Lyman; Bob Metcalf; Bob Paule; bsicoli@usinternet.com; AMorrison@Wold-Law.com; Adriel Villarreal; Allan Shapiro; acohen@mauzylawfirm.com; Birrell@birrelllaw.com; andrewbirrell@mn.rr.com; birrell@visi.com; andy@driscollgroup.com; ajuergens@wmitchell.edu; ArthurTHimmelman@aol.com; barbarajones@minnlawyer.com; kroll@calabash.org; benkreil@bitstream.net; Ben Kreillkamp [kreillkamp@gmail.com]; wdharper@hpinjurylaw.com; mauzylaw@aol.com; bob@robertkolstad.com; Bob Lyman; Bob Metcalf; Bob Paule; bsicoli@usinternet.com; Brent Schafer (bschafer@halbergdefense.com); Bruce D. Nestor; Carla Ferrucci; Carla Kjellberg WK; CarolineDurham@aol.com; Christine.Funk@mnpd.us; Chuck Slane (chuck@TSRInjuryLaw.com); Clayton Riihiluoma (claypres@yahoo.com); Dan Guerrero; dan@newmanassociates.com; Dan Scott (dscott@kelleywolter.com); David Garelick; David Valentini; Dick Kaspari; nichols@nka.com; Faison@Sessoms.com; gnicklow@meshbesh.com; jeff.ward@co.hennepin.mn.us; 'Jeffrey Eisenberg'; Jenny Heiser; Jerry Peterson; jhuber@mninter.net; jaheuerlaw@aol.com; Jim Kaster; JamesLeviton@Leviton-Law.com; James B. Sheehy; Joefriedberg@hotmail.com; John Sayer; jespinoza@maicnet.org; Karen Northcott; kflom@meshbesh.com; Kathryn Engdahl; Kathy Kosnoff <kosnoff@gmail.com>; Keith Ellison; Laren E. Knoll; Lisa.McNaughton@co.hennepin.mn.us; nicshell@hotmail.com; Brent Schafer (bschafer@halbergdefense.com); Bruce D. Nestor; Carla Ferrucci; Carla Kjellberg WK; CarolineDurham@aol.com; Christine.Funk@mnpd.us; Chuck Slane (chuck@TSRInjuryLaw.com); Clayton Riihiluoma (claypres@yahoo.com); Dan Guerrero; dan@newmanassociates.com; Dan Scott (dscott@kelleywolter.com); David Garelick; David Valentini; Dick Kaspari; nichols@nka.com; Faison@Sessoms.com; gnicklow@meshbesh.com; jeff.ward@co.hennepin.mn.us; 'Jeffrey Eisenberg'; Jenny Heiser; Jerry Peterson; jhuber@mninter.net; jaheuerlaw@aol.com; Jim Kaster; JamesLeviton@Leviton-Law.com; James B. Sheehy; Joefriedberg@hotmail.com; John Sayer; jespinoza@maicnet.org; Karen Northcott; kflom@meshbesh.com; Kathryn Engdahl; Kathy Kosnoff <kosnoff@gmail.com>; Keith Ellison; Laren E. Knoll; Lisa.McNaughton@co.hennepin.mn.us; Nickey Nichols; Pam & Larry; pspaulding@meshbesh.com; engh4@aol.com; pgodlewski@schwebel.com; lukas@nka.com; pwold@wold-law.com; Rick Macpherson HM; Ron Meshbesh; Sarah MacGillis; Steve@KelleyWolter.com; whanson@gmhf.com; WMauzy@mauzylawfirm.com
Subject: RE: CRA restructuring proposal: police veto power on complaints

I was quite dismayed to read that the new restructuring proposal for Citizen's Review includes a virtual veto power for the police department in relation to investigating complaints made by citizens against the police.

Is this really what you are proposing?

Tell me this isn't true. And if it is, what are you thinking?

Diane Wiley
Minneapolis

This e-mail, including attachments, contains information that is confidential and may be protected by the attorney/client or other privileges. This e-mail and any attachments, constitutes non-public information intended to be conveyed only to the designated recipient(s). If you are not an intended recipient, please delete this email and any attachments, and notify me. The unauthorized use, dissemination, distribution or reproduction of this e-mail, including attachments, is prohibited and may be unlawful.

From: charles turchick [<mailto:cturchick@hotmail.com>]

Sent: Friday, August 17, 2012 5:45 AM

To: don.samuels@minneapolismn.gov; barbara.johnson@minneapolismn.gov; betsy.hodges@minneapolismn.gov; cam.gordon@minneapolismn.gov; diane.hofstede@minneapolismn.gov; meg.tuthill@minneapolismn.gov

Cc: velma.korbel@minneapolismn.gov; bobbybriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; pkvider7@msn.com; vwetternach@comcast.net; joel.fussy@minneapolismn.gov; susan.segal@minneapolismn.gov; tim.dolan@minneapolismn.gov; michael.browne@minneapolismn.gov

Subject: CRA restructuring proposal: police veto power on complaints

Dear Public Safety, Civil Rights and Health Committee Members:

As you know, I have been closely following and making suggestions on the CRA restructuring proposal, to the extent one can follow a proposal developed in secret and make suggestions on a proposal for which no significant changes are going to be made before it is brought back to you for your consideration (see Director Velma Korbel's comments to the CRA board in the [minutes of the March 7, 2012](#), board meeting, page 3). And at yesterday's second community meeting to receive public feedback on the proposal, I did learn several new things. One of them was kind of scary.

I am pretty dense, so sometimes I have to hear things several times before they sink in. Last night during her presentation, Ms. Korbel said that both of the heads of IAU and CRA will have to agree before the investigation on a complaint will go forward. This is consistent with the language of the [proposed ordinance](#) (Sec. 172.30(b):

Complaint Review. All complaints shall be jointly and collaboratively assessed and prelliminarily reviewed by supervisory staff of the office from both the civilian unit and the internal affairs unit.

Well, the obvious question is: What if the IAU and CRA staff disagree? Ms. Korbel's answer was that she and the Chief of Police would break such ties, and in that decision, she and the Chief would also have to agree. I didn't ask what would happen if they disagreed, but I'm assuming there would be no further tiebreaking mechanism, and the complaint would simply not be investigated.

The practical effect of this is that someone in the police department -- either the IAU staff person or the Chief -- will in effect have veto power over any complaint going forward into the investigatory phase. Let me repeat that: the police department will have unfettered power to decline to investigate any and all complaints that are currently filed with the CRA.

As I said, that is scary.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: Donald Allen <dwradon@gmail.com>
Sent: Tuesday, August 21, 2012 3:28 PM
To: charles turchick
Cc: Korb, Velma J; Browne, Michael K.; Newborn, Toni
Subject: Special Announcement

VELMA KORBEL WILL ANNOUNCE MICHAEL "KIP" BROWNE AS THE HEAD OF THE CRA AND TONI NEWBORN AS THE INTERM DIRECTOR OF THE INVESTIGATIVE UNIT.

DON ALLEN

On Mon, Aug 20, 2012 at 7:39 PM, charles turchick <cturchick@hotmail.com> wrote:
Dear Public Safety, Civil Rights and Health Committee Members:

I noticed on panel #6 of the Power Point on the CRA restructuring proposal that civilian members of the Review Panels would be independent thinkers and have analytical backgrounds. In case I wanted to apply for such a position, I thought I'd hone my analytical skills. And what would be more appropriate than to hone those skills on an issue related to the CRA restructuring proposal itself.

I think it's important to know whether one of the two main developers of the restructuring proposal in fact supports what is before you. This is important for at least two reasons. First, these two people -- former Assistant Civil Rights Director Lee Reid and Lt. Travis Glampe of the MPD Internal Affairs Unit -- were characterized to you by Civil Rights Director Velma Korb as her "subject-matter experts" on civilian oversight. And two, Ms. Korb said this proposal was a "staff initiative," and if only one of the two primary staff people involved supports the proposal, that should weigh in your consideration of it.

Okay, let's look at the evidence. On one side of the ledger, I am aware of the following facts. I shall consider these facts from different points of view and attempt to give them their proper weight.

1. Mr. Reid declined publicly to say that he supports the proposal. In response to a specific question at the first community meeting on August 1, 2012, Mr. Reid decline to say he supported the proposal. This, of course, does not mean that Mr. Reid does not support the proposal, but we should try to figure out why he wouldn't say he supported it if indeed he did support it. He wasn't under oath, he couldn't implicate himself in criminal activity by answering, and he wasn't in a situation similar to "Are you now or have you ever been a member of the Communist Party?" No doubt he was aware that people would make inferences from his declining to say he supported the proposal. And no doubt, as one of Ms. Korb's two "subject-matter experts" on civilian oversight, he would know that a public expression of support from him would add to the credibility of the proposal and increase the likelihood of its passage by the City Council. So if he did support it, saying so publicly could only help a proposal he favored. On the other hand, maybe he felt as a staff person, it wasn't his role to express his view of the proposal. But as one of its alleged primary drafters, and since it was portrayed as a staff initiative, a reluctance to state what would seem to be an obvious fact -- his support of his own initiative -- even if outside the normal role of a staff person, seems to be overly cautious and subject to all sorts of interpretations.

I think if Mr. Reid did in fact support the proposal, his refusal to say so publicly was very strange and probably indicates a lack of support.

2. Mr. Reid encouraged CRA board members to push their alternative proposal. In an email to board members, Mr. Reid referred to a *StarTribune* editorial opposing the restructuring proposal and praising the board's alternative that "strikes a better compromise." Mr. Reid wrote: "Good article. You have the support of the paper. You must continue to press forward." Now, it's possible that Mr. Reid believes that the more proposals being considered, the better -- that he was encouraging the presentation of all sorts of suggestions so that we have a "marketplace of ideas" from which to choose. On the other hand, Mr. Reid never even expressed his support of the proposal at CRA board meetings.

From my experience, it is highly unusual for someone outside of an academic setting to encourage the presentation of alternatives to proposals they have initiated and spent several months developing. I think Mr. Reid's email probably indicates a preference for the board's proposal over the proposal you are now considering.

3. Mr. Reid refused to answer whether he had been instructed not to publicly criticize the proposal. Mr. Reid was asked this question at the first community meeting, and he declined to answer. If he had been so instructed, I could understand his declining to answer. He might well not want to burn any bridges in terms of future references. On the other hand, if he had not been so instructed, by declining to answer, the mere fact the question had been asked leaves an implication hanging out there -- whether fairly or unfairly. The mere question sort of has an accusatory tone, and if the answer was "No," the normal human response would be to say so. On the other hand, Mr. Reid may have been so insulted by the question's insinuation that he declined to answer for that reason.

I believe Mr. Reid's declining to answer weighs just slightly on the side that he was so instructed. And, of course, if he were so instructed, that would lend credibility to the assumption that the person who so instructed him believed it was necessary to prevent Mr. Reid's public opposition to the proposal.

4. Upon resigning from the CRA, Mr. Reid took a similar job with a civilian oversight agency whose model is very similar to the current Minneapolis model. As Ms. Korbelt said, the fact that Mr. Reid took the job as Executive Director of the Atlanta Citizen Review Board is no indication by itself that he does not support the restructuring proposal. There are many reasons other than his support for that particular model of civilian oversight that may have caused Mr. Reid to accept the Atlanta position. I agree. For all we know, Mr. Reid may have accepted that position with the intent to propose a similar overhaul of the Atlanta agency. And perhaps he would move on to another city's review agency after that. On the other hand, if Mr. Reid does not have such an intent, his acceptance of the Atlanta position probably indicates he does not have a strong aversion to this model of civilian oversight. We might also note that had Mr. Reid favored the model in the restructuring proposal, there probably was no agency out there with such a model of oversight for him to accept a position with. We know that because at the second community meeting, a questioner asked Ms. Korbelt where this model of joint citizen-police officer hearing panels had been tried or currently exists -- even outside the United States. And Ms. Korbelt either did not understand the question or could refer to no such place, because she said nothing in response to that question.

I'm torn on this factor, but unless Mr. Reid's intent is to change the Atlanta model, I think it's fair to say he probably doesn't feel the Atlanta model is unworkable. Otherwise, he'd just be setting himself up for a frustrating employment situation.

On the other side of the ledger, I know of the following fact:

1. Civil Rights Director Korbelt said Mr. Reid supports the restructuring proposal. In response to a question at the second community meeting asking whether Mr. Reid supports the restructuring proposal, Director Korbelt said, "Yes, he does." Ms. Korbelt may have a motive to make us believe that Mr. Reid supports the proposal, because she characterized it as a "staff

initiative" and also called Mr. Reid one of her two "subject-matter experts." It may also be relevant that Ms. Korbelt has made public arguments in support of the proposal that left out crucially important facts. For example, at the second community meeting, she attempted to minimize the change that the proposal would entail. She said that under the current system, both police and civilians investigate complaints that come from the public. Until someone mentioned it in the Q and A portion of the meeting, she failed to point out that under the current system, the complainant has a choice whether an officer or a civilian will investigate the complaint - a seemingly important difference that was even noted by members of your committee during your July 25 meeting. It's possible that Ms. Korbelt's strong advocacy for this proposal has caused her to be mistaken about Mr. Reid's support for it. It's also possible she may have instructed him not to oppose it publicly. Finally, she may be lying. On the other hand, Ms. Korbelt is the head of a department of Minneapolis City government, which should dispose us to take her at her word.

In weighing the evidence, I think Ms. Korbelt's public statement that Mr. Reid supports the proposal lends support to the conclusion that Mr. Reid does indeed support the proposal.

Looking at all the above, I believe by a preponderance of the evidence that Mr. Reid does not support the proposal. I am using the definition given in the CRA's Administrative Rules (see page 2) for "Preponderance of the Evidence: The greater weight of the evidence supports the decision." I would be surprised if, on this factual basis, most people did not agree with my conclusion. I would even be surprised if most people who support the restructuring proposal did not agree with my conclusion.

As you may know, Mr. Reid gave indications to the CRA board that he might have more to say once he is in Atlanta. The question then is -- if you think it's relevant to know if an alleged architect of the restructuring proposal in fact supports it -- whether one of you will contact Mr. Reid and ask him. Even if you have no desire to know, I think the public may be interested and may well have a right to know.

Sincerely,

Chuck Turchick
612-871-8793



Donald Allen operates under various legal entities and, except as specifically provided herein, this communication cannot be attributed to any given entity or be regarded as a statement of any given entity. The information in this message, including in all attachments, is confidential or privileged. In the event you have received this message in error and are not the intended recipient, you are hereby advised that any use, copying or reproduction of this document is strictly forbidden. Please notify immediately the sender of this error and destroy this message, including its attachments, as the case may be.

Donald Allen exerce ses activités par l'entremise de différentes entités légales et, sauf si autrement indiqué dans la présente communication, celle-ci ne peut être attribuée à l'une ou l'autre de ces entités en particulier ou considérée comme un énoncé d'une de ces entités en particulier. L'information apparaissant dans ce message électronique et dans les documents qui y sont joints est de nature confidentielle ou privilégiée. Si ce message vous est parvenu par erreur et que vous n'en êtes pas le destinataire visé, vous êtes par les présentes avisés que toute utilisation, copie ou distribution de ce message est strictement interdite. Vous êtes donc prié d'en informer immédiatement l'expéditeur et de détruire ce message, ainsi que les documents qui y sont joints, le cas échéant

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:46 PM
To: Browne, Michael K.
Subject: FW: CRA concern more serious than restructuring proposal

Sorry if I sent this one already.

Chuck Turchick

From: cturchick@hotmail.com
To: don.samuels@minneapolisnmn.gov; barbara.johnson@minneapolisnmn.gov; betsy.hodges@minneapolisnmn.gov; cam.gordon@minneapolisnmn.gov; diane.hofstede@minneapolisnmn.gov; meg.tuthill@minneapolisnmn.gov
CC: lisa.goodman@minneapolisnmn.gov; john.quincy@minneapolisnmn.gov; kevin.reich@minneapolisnmn.gov; sandy.colvin.roy@minneapolisnmn.gov; robert.lilligren@minneapolisnmn.gov; elizabeth.glidden@minneapolisnmn.gov; samuel.reid@minneapolisnmn.gov; velma.korbel@minneapolisnmn.gov; bobbybbriscoe@yahoo.com; lpettis.cra@gmail.com; johncetta.minneapolisra@gmail.com; pargom@puc-mn.org; vwetternach@comcast.net; pkvider7@msn.com; al.giraud@comcast.net; npcichowicz@hotmail.com
Subject: CRA concern more serious than restructuring proposal
Date: Thu, 2 Aug 2012 04:33:09 +0000

Dear Public Safety, Civil Rights and Health Committee Members:

I attended the CRA board's monthly meeting tonight, as well as the first community meeting to take public comments on the CRA restructuring proposal. And while I wrote about this topic in a previous email titled "CRA Restructuring Part 1: Relations between CRA board and Asst. Civil Rights Director," I thought it was important enough to send yet another email to this committee.

During the CRA board meeting, a board member asked Assistant Director Reid whether there was a conflict of interest in that while he was assisting board members in putting together an alternative CRA restructuring proposal, he was also working on the original proposal and didn't inform board members of his continuing involvement in that process. I believe the board member also asked whether Mr. Reid was instructed not to discuss with the board his work on the proposal. Mr. Reid had no comment on this matter, but he sort of indicated that once he assumed his new position as Executive Director of the Atlanta Citizen Review Board -- he resigned as Asst. Civil Rights Director, effective August 14 -- he might have more to say.

Then during the community meeting, I asked Mr. Reid a personal question. I asked whether he personally supported the proposal he had presented to us, and whether he had been instructed not to publicly criticize the proposal. Mr. Reid responded that he doesn't answer personal questions.

After the meeting, I asked Mr. Reid what kind of civilian review model Atlanta used, and he said it was the independent model currently in existence here -- a citizen board, independent civilian investigators, hearing panels comprised of citizens and no police officers, and more strongly than here, the panels could recommend to the Chief the level of discipline they thought was appropriate.

So you go figure whether Mr. Reid supports the proposal he allegedly was at the heart of developing, along with Lieutenant Glampe and Jodi Molenaar-Hanson of the City Coordinator's office. My heavens, there's certainly been a lot of talk about "buy-in," and one of the two primary people who supposedly came up with this CRA restructuring probably doesn't even support it himself! And to think that Director Korbel, in response to questions from some of you as to why there wasn't more community involvement, responded that this was a staff-initiated proposal! Balderdash!

It does appear that Mr. Reid may well have been under instructions not to discuss the ongoing development of the CRA restructuring proposal with the CRA board itself. They didn't even know the process was under way until informed by me in mid-December, four months after the process began, according to the power point presentation.

Mr. Reid was in an impossible situation. He does not work for the CRA board. Rather, he is an employee of the Civil Rights Department. But I believe he now has an ethical obligation not to put his successor in the same impossible situation. As City Council members you too may have this ethical obligation.

What occurred here needs to be cleared up. I believe it's far more important than any restructuring proposal under consideration or even adopted. If the Assistant Civil Rights Director assigned to the CRA is being instructed to keep things from the board that are crucial to the effectiveness of both the agency and of the board, that is hardly a constructive environment for the new Assistant Director to be entering. It should not be tolerated by the board or by you.

Now, I know you adore Director Korbel for getting rid of a big backload of cases in one of the Civil Rights Department's divisions. But tonight it became even clearer to me that this situation with the CRA cannot continue. Answers are needed. I'm not saying you must do this in an open, public forum, but someone -- and one board member tried last night -- needs to get to the bottom of this. I urge you to inquire of Mr. Reid and of Ms. Korbel.

I also note that this is not a one-time occurrence centering on the restructuring proposal. Several months ago, when the CRA board's Participation in Performance Review of MPD Chief Dolan was first posted, then withdrawn, board members inquired regarding under whose authority it was withdrawn and what were the reasons, and they could get no answers from Mr. Reid.

How can the board and an assistant director work together under those circumstances? Well, they can't, and if you fail to rectify this situation now, it surely will arise again in the future.

Sincerely,

Chuck Turchick
612-871-8793

P.S. I feel this matter is so important that I am copying the email to the rest of the City Council, as well as the CRA board.

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:48 PM
To: Browne, Michael K.
Subject: FW: Comments re tonight's "community meeting" on CRA proposal

From: cturchick@hotmail.com
To: don.samuels@minneapolismn.gov; barbara.johnson@minneapolismn.gov; betsy.hodges@minneapolismn.gov; cam.gordon@minneapolismn.gov; diane.hofstede@minneapolismn.gov; meg.tuthill@minneapolismn.gov
CC: samuel.reid@minneapolismn.gov; velma.korbel@minneapolismn.gov; travis.glampe@minneapolismn.gov; susan.segal@minneapolismn.gov; tim.dolan@minneapolismn.gov; bobbybriscoe@yahoo.com; al.giraud@comcast.net; pargom@puc-mn.org; vwetternach@comcast.net; pkvider7@msn.com; lpettis.cra@gmail.com; johncetta.minneapolisra@gmail.com; npcichowicz@hotmail.com
Subject: Comments re tonight's "community meeting" on CRA proposal
Date: Wed, 1 Aug 2012 11:31:33 +0000

Dear Public Safety, Civil Rights, and Health Committee Members:

Yesterday, I received an email from a member of the CRA board informing me of tonight's "community meeting" on the CRA restructuring proposal that was presented to you at your July 25, 2012, committee meeting. It may be that I'm on a list for official notices of such meetings from the Civil Rights Department, because later on Tuesday, at 4:31 p.m., I received a notice from the Civil Rights Department about the meeting to be held 26 1/2 hours later. That notice did also include the second community meeting scheduled on this topic for August 16 at the Shiloh Temple on West Broadway in North Minneapolis.

I have some concerns about the notice for tonight's meeting.

1. I have no idea how the three-day notice requirement is counted. Charlie Schwartz of the CRA staff informed me that she posted the notice on the CRA's website on Monday afternoon. If that means Monday is day one, and the day of the meeting, Wednesday, can also be counted, which would make it day three, then technically the three-day notice was provided. (Since I don't know if I'm on a proper official email "notice list" for such a meeting, I'm putting the 26 1/2-hour notice I received from the Civil Rights Department.) Regardless of whether the notice requirement was technically met, on an issue that may be highly controversial in the community, on an issue that your committee specifically requested two such community meetings, and on an issue that there already has been public criticism that it was entirely developed behind closed doors, one would think the public notice would not just meet the minimum requirements.
2. The CRA board member who informed me of the meeting just happened to go to the CRA website, looking for the agenda of their board meeting scheduled for Wednesday evening. Again, the members of the CRA board are probably among the most interested and most affected community people with respect to this restructuring, yet they weren't even notified of this community meeting. Not that their comments should be specially solicited -- the BPI group did do that already -- but maybe CRA board members would be interested in attending this community meeting just to listen to citizen comments.
3. Your committee members are certainly in a similar position. You too might have wanted to attend such a meeting to listen to citizen comments. But when I emailed a member of your committee -- the committee that called for these two community meetings -- even he hadn't heard about it yet as of yesterday afternoon.
4. While this first community meeting may have been scheduled so that people attending the 6:00 p.m. CRA board meeting might find the 7:00 p.m. community meeting convenient to attend, this might necessarily cut short the CRA board meeting. And this is the first CRA board meeting following the presentation of the proposal to your committee last Wednesday. In all likelihood, the board will probably want to have some extensive discussion about how it should proceed in the face of that presentation and the fact that its own alternative proposal apparently got virtually no consideration at all. But because of the 7:00 p.m. community meeting, that CRA discussion may well be cut short. There already has been

a proposal from a CRA board member to adjourn their meeting at 6:50 in order to attend the community meeting.

Unfortunately, this process gives the appearance that this community meeting is designed to minimize, not expand, community input.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:50 PM
To: Browne, Michael K.
Subject: FW: Postings re tonight's community meetings on CRA restructuring proposal

From: cturchick@hotmail.com
To: velma.korbel@minneapolismn.gov; travis.glampe@minneapolismn.gov; samuel.reid@minneapolismn.gov; susan.segal@minneapolismn.gov; tim.dolan@minneapolismn.gov
CC: don.samuels@minneapolismn.gov; barbara.johnson@minneapolismn.gov; betsy.hodges@minneapolismn.gov; cam.gordon@minneapolismn.gov; diane.hofstede@minneapolismn.gov; meg.tuthill@minneapolismn.gov
Subject: Postings re tonight's community meetings on CRA restructuring proposal
Date: Wed, 1 Aug 2012 12:53:23 +0000

Dear CRA BPI people,

For your information, the letter I sent to the Public Safety Committee this morning has been posted on two websites. Comments are welcome and encouraged on both of them. Here are the postings:
<http://www.tcdailyplanet.net/news/2012/08/01/free-speech-zone-minneapolis-civilian-police-review-authority-community-meeting-toni> and <http://forums.e-democracy.org/groups/mpls/messages/topic/12Jdp3G5toX5uyQALW0f0> (at the bottom of the thread).

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:51 PM
To: Browne, Michael K.
Subject: FW: CRA Restructuring: An interesting Seattle Times editorial

From: cturchick@hotmail.com
To: don.samuels@minneapolisismn.gov; barbara.johnson@minneapolisismn.gov; betsy.hodges@minneapolisismn.gov; cam.gordon@minneapolisismn.gov; diane.hofstede@minneapolisismn.gov; meg.tuthill@minneapolisismn.gov
CC: samuel.reid@minneapolisismn.gov; rt@minneapolisismn.gov; velma.korbel@minneapolisismn.gov
Subject: CRA Restructuring: An interesting Seattle Times editorial
Date: Thu, 26 Jul 2012 15:02:51 +0000

Dear Public Safety, Civil Rights & Health Committee Members:

A member of the CRA board sent me the link to this [Seattle Times editorial of July 17, 2012](#). Civil Rights Director Velma Korbel has cited the Seattle civilian oversight process as one of the models looked at by the group that proposed the major restructuring of the CRA.

Oops!

Yours,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:52 PM
To: Browne, Michael K.
Subject: FW: CRA restructuring and "subject-matter experts" on civilian oversight of police

From: cturchick@hotmail.com
To: don.samuels@minneapolismn.gov; barbara.johnson@minneapolismn.gov; betsy.hodges@minneapolismn.gov; cam.gordon@minneapolismn.gov; diane.hofstede@minneapolismn.gov; meg.tuthill@minneapolismn.gov
CC: samuel.reid@minneapolismn.gov; velma.korbel@minneapolismn.gov; bobbybriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; pkvider7@msn.com; vwetternach@comcast.net
Subject: CRA restructuring and "subject-matter experts" on civilian oversight of police
Date: Fri, 10 Aug 2012 09:38:27 +0000

Dear Public Safety, Civil Rights and Health Committee Members:

Twice during your July 25, 2012, committee meeting, Civil Rights Director Velma Korbel, in support of the CRA restructuring proposal, referred to Assistant Civil Rights Director Lee Reid and Lieutenant Travis Glampe, head of the Minneapolis Police Department's Internal Affairs Unit, as "subject-matter experts" when it comes to civilian oversight of police.

Given that claim, wouldn't it be valuable to have Mr. Reid's expert opinion on this restructuring proposal? At the August 1 community meeting on this issue, I asked Mr. Reid for his personal opinion about the proposed restructuring that he was presenting. He declined to answer. Instead, I should have asked for his opinion as an expert.

As you know, Mr. Reid has resigned his position effective some time next week. He has accepted a similar position with the Atlanta Citizen Review Board, which interestingly uses an oversight model very similar to the current Minneapolis model -- civilian investigators, hearing panels made up of non-police officer citizens, discipline power residing in the Chief. (One of the few differences is that in Atlanta, the hearing panels can recommend what they consider to be the appropriate discipline.) Mr. Reid has given some hints that once he is in Atlanta, he may be more willing to talk about the CRA situation in Minneapolis.

I would suggest that at that time -- and before you make your decision on the CRA restructuring proposal -- you inquire of Mr. Reid what his expert opinion is of the restructuring proposal. You, as decision makers, certainly ought to have access to the expertise of those people Director Korbel has dubbed her "subject-matter experts" in developing this proposal.

I think you will be surprised.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:53 PM
To: Browne, Michael K.
Subject: FW: Editorial in Star Tribune 8/13/12

From: cturchick@hotmail.com
To: don.samuels@minneapolisismn.gov; barbara.johnson@minneapolisismn.gov; betsy.hodges@minneapolisismn.gov; cam.gordon@minneapolisismn.gov; diane.hofstede@minneapolisismn.gov; meg.tuthill@minneapolisismn.gov
CC: velma.korbel@minneapolisismn.gov; al.giraud@comcast.net; bobbybbriscoe@yahoo.com; johncetta.minneapolisira@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; lpettis.cra@gmail.com; vwetternach@comcast.net; pkvider7@msn.com; samuel.reid@minneapolisismn.gov
Subject: RE: Editorial in Star Tribune 8/13/12
Date: Mon, 13 Aug 2012 15:23:34 +0000

Dear Public Safety, Civil Rights, and Health Committee Members:

I thought you might be interested in the email below from Lee Reid, Assistant Director of the Civil Rights Department assigned to the CRA. He is encouraging CRA board members to "continue to press forward" with their alternative proposal for restructuring the CRA, a proposal that maintains civilian investigations and civilian hearing panels, and adds non-voting officer advisers.

This seems to confirm what I wrote you before, namely that one of the two primary staff people -- Lt. Glampe of IAU was the other -- supposedly involved in what Civil Rights Director Velma Korbel calls a "staff-initiated process" does not agree with the proposal that came out of that process.

I believe Ms. Korbel lied to you.

Sincerely,

Chuck Turchick
612-871-8793

----- Original Message -----

From: Reid, Samuel L.
To: al.giraud@comcast.net ; bobbybbriscoe@yahoo.com ; johncetta.minneapolisira@gmail.com ; Nicholas.Cichowicz@target.com ; pargom@puc-mn.org ; lpettis.cra@gmail.com ; vwetternach@comcast.net ; PKvider7@msn.com
Sent: Sunday, August 12, 2012 7:38 PM
Subject: RE: Editorial in Star Tribune 8/13/12

Good article. You have the support of the paper. You must continue to press forward.

Samuel L. Reid II

(612) 673-2099 | [Facebook](#) | [WordPress](#)

From: al.giraud@comcast.net [mailto:al.giraud@comcast.net]
Sent: Sunday, August 12, 2012 7:22 PM
To: bobbybbriscoe@yahoo.com; johncetta.minneapolisira@gmail.com; Nicholas.Cichowicz@target.com; pargom@puc-mn.org; lpettis.cra@gmail.com; Reid, Samuel L.; vwetternach@comcast.net; PKvider7@msn.com
Subject: Editorial in Star Tribune 8/13/12

Greetings,

The Star Tribune has an editorial regarding the proposed changes to the CRA in tomorrows Star Tribune.

Below is the link to the story.

Al

<http://www.startribune.com/opinion/editorials/165792186.html>

Editorial: Don't dilute citizen review of police

Minneapolis should maintain 'civilian' in advisory panel.

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:53 PM
To: Browne, Michael K.
Subject: FW: CRA Restructuring Proposal: The Goal of Increased Transparency

From: cturchick@hotmail.com
To: don.samuels@minneapolismn.gov; barbara.johnson@minneapolismn.gov; betsy.hodges@minneapolismn.gov; cam.gordon@minneapolismn.gov; diane.hofstede@minneapolismn.gov; meg.tuthill@minneapolismn.gov
CC: samuel.reid@minneapolismn.gov; bobbybbriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; pkvider7@msn.com; vwetternach@comcast.net; susan.segal@minneapolismn.gov; joel.fussy@minneapolismn.gov; tim.dolan@minneapolismn.gov; velma.korbel@minneapolismn.gov; travis.glampe@minneapolismn.gov
Subject: CRA Restructuring Proposal: The Goal of Increased Transparency
Date: Tue, 14 Aug 2012 18:58:37 +0000

Dear Public Safety, Civil Rights and Health Committee Members:

One issue I neglected to mention in my previous too-numerous emails on the CRA restructuring proposal is the goal of increased transparency (see slide 2 of the posted [Power Point](#)).

I'm not at all sure where in the proposal transparency is increased. Maybe this refers to the Assistant Director of Civil Rights having access to all complaints filed with IAU. Maybe it refers to the "[a]uditing of investigations" by the Police Conduct Oversight Commission (see slide 8 of the [Power Point](#)). If it's the former, transparency for the public is not increased. And if it's the latter, a more careful reading of the proposed ordinance indicates the auditing will be of "summary data and...aggregate statistics" (see [proposed ordinance, Sec. 172.80\(f\)\(2\) on p. 10](#)), which hardly amounts to any transparency by this Oversight Commission with respect to the particulars of any individual investigation.

But transparencies now contained in the CRA ordinance will be eliminated. Specifically, and probably the most important transparency for the public, the current requirement that the Chief of Police must give written reasons to the CRA board for any no-discipline decisions. The listing of these reasons in the CRA annual and quarterly reports, sometimes tying the no-discipline decision to a specific fact situation, is of tremendous value for the public.

That is how the public was made aware the Chief was using reasons such as investigator bias, "the criminal past or associations of the complainant," "the reckoning period," "dispute with facts," "credibility" of the complainant, "factual issues with CRA findings," "insufficient evidence" and "disagreement with facts as determined by the CRA board" -- all improper if not unlawful reasons. And frankly, that is how the public was able to see the lack of response to these improper reasons from both the City Attorney's office and from the members of this committee.

That transparency, absolutely vital to the public, is eliminated in the proposal under consideration.

The goal of increased transparency is ironic. As I have written in previous emails, unlike every previous re-design of the CRA, this "business process improvement" was done entirely in secret. Perhaps it did start out as a BPI, which I'm assuming generally leads to tweaking of the process here and there to make it more efficient. But once it became clear, which according to Director Korbel occurred early on in the process, that the BPI was leading to a massive overhaul of the entire agency and civilian oversight, the process should have been opened up, the public should have been invited in to participate, and there should have been much, much greater transparency.

That, of course, did not happen, and because it did not happen, the goal of increased transparency becomes almost laughable.

Former President Clinton once said that the public is more interested in results rather than process. I think he was responding to criticisms of secret meetings and deals in his massive health care initiative. Well, he was wrong. Democracy

is all about the process. And that's what was missing in this CRA restructuring proposal.

For that reason alone, you should start over. From scratch.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:54 PM
To: Browne, Michael K.
Subject: A post on tcdailyplanet.net and a letter-to-the-editor in Strib 8/15/12

From: cturchick@hotmail.com
To: dwiley@njp.com
Subject: Final email: A post on tcdailyplanet.net and a letter-to-the-editor in Strib 8/15/12
Date: Fri, 17 Aug 2012 17:36:58 +0000

<http://www.tcdailyplanet.net/news/2012/07/20/free-speech-zone-bye-bye-minneapolis-civilian-review-authority>

FREE SPEECH ZONE | Bye-bye to the Minneapolis Civilian Police Review Authority

Share

[Comment](#)

[Email](#)

[Print](#)

[Reprint rights](#)

By [Chuck Turchick](#), [Free Speech Zone](#)

July 20, 2012

The Minneapolis Civilian Police Review Authority (CRA) is about to be restructured again. Over the years, there have been several CRA restructurings or redesigns. This one is different.

This proposal, developed under the euphemistic bureaucratese of "business process improvement (BPI)," has been entirely top down -- no community involvement at all, not even from the current CRA board.

Free Speech Zone

The Free Speech Zone offers a space for contributions from readers, without editing by the TC Daily Planet. This is an open forum for articles that otherwise might not find a place for publication, including news articles, opinion columns, announcements and even a few press releases. The opinions expressed in the Free Speech Zone and Neighborhood Notes, as well as the opinions of bloggers, are their own and

Last fall, meetings between CRA Manager Lee Reid and Lt. Travis Glampe, head of MPD's Internal Affairs Unit, were begun under this BPI process. The CRA board at that time was kept completely in the dark. They didn't even know this process was underway. They only found out about it when a citizen informed them that a member of the City Council had asked a question about it at a November 2011 Public Safety, Civil Rights & Health Committee meeting.

not necessarily the opinion
of the TC Daily Planet.

Then, in February, at a legislative committee hearing about a bill that would limit CRA hearing panels to "recommendations" rather than "determinations" and eliminate any "findings of fact," a copy of the proposal was leaked from attorneys representing the Police Officers Federation of Minneapolis. The proposal would merge the CRA with Internal Affairs, have police officers sit on hearing panels as well as citizens, provide no guarantee to a complainant that his or her complaint was being investigated by a non-MPD investigator, eliminate the physical office of the CRA, and in effect do away with any serious civilian oversight of the police department.

With the Council Member's question in November and the leaked proposal in February, the cat was out of the bag on this secret process. While in all likelihood the CRA board itself was going to be totally bypassed in developing this restructuring proposal, Civil Rights Director Velma Korbelt, who seemingly was the major force behind this process, had no choice but to bring the proposal to the CRA board. She did so at the board's March monthly meeting. She made a presentation, listened to some questions and comments -- mostly negative -- from board members, and left the meeting before hearing from any of the two dozen or so community people who had come to express their outrage at the process and the substance of this proposal. She said she would listen to the tape.

The minutes of that meeting report that those Ms. Korbelt identified as "stakeholders" included the CRA board and the community. But there clearly had been no intention to consult with the board, and there has been absolutely no outreach to the community on this proposal. Past CRA redesigns have involved community people from the outset -- providing input, sitting on committees, and evaluating proposals as they were developed. Not this time. It has been all top-down, a curious process for an agency that was created solely because of pressure from the bottom up.

After the public comment portion of that March CRA board meeting, the board voted 4-1 with one abstention to reject the BPI initiative that Ms. Korbelt had presented.

At the April monthly meeting of the CRA board, Ms. Korbelt brought Police Chief Tim Dolan and City Attorney Susan Segal with her for further discussion. Ms. Segal reiterated an argument that Director Korbelt had made for the merger: This way one wouldn't have to choose where to bring a complaint between the CRA and the IAU, and the outcome would not differ depending on the complainant's choice. Such an argument, of course, is absurd. It totally misses the point why the CRA was created in the first place. It was created because people didn't trust the police department to investigate itself. It was created precisely TO GIVE A CHOICE, a choice that now will be taken away.

Several new CRA board members had been appointed in March, and the newly constituted board quickly formed an ad hoc committee to come up with an alternative proposal to this dismantling of the CRA. The board passed the alternative, submitted it to the drafters of the dismantling proposal and to the City Council, and heard nothing back.

Then, at the City Council meeting on July 20, Public Safety Committee Chair Don Samuels introduced the first reading of an ordinance amendment that will restructure the CRA. What is in the proposal is unknown. My guess is that it is substantially Director Korbelt's initial proposal of merging the CRA and Internal Affairs.

What is known is that there has been no public input at all, that the CRA board was not given the courtesy of a response to its much different alternative restructuring, and that the CRA is likely on the rocks.

Whatever the proposal now includes, it will be presented at the Public Safety Committee meeting this coming Wednesday, July 25, 1:30 p.m., Room 317 City Hall, to be followed by discussion from committee members. There likely will be a public hearing before that committee, same time, same place, two weeks later on August 8.

The process has been atrocious; the substance is even worse. But without significant expression of community outrage, we likely will be saying good-bye to the whole concept of civilian oversight of police in our city.

<http://www.startribune.com/opinion/letters/166167546.html>

CIVILIAN REVIEW

A lousy process led to a weak overhaul proposal

The process involved in developing the Minneapolis Civilian Review Authority (CRA) restructuring proposal ("Don't dilute citizen review of police," editorial, Aug. 13) was even worse than the substance.

Unlike several previous redesigns of the CRA, this one was conducted entirely in secret. No public involvement, not even from the CRA board itself. In fact, board members were not even told this proposal was in the works. Interestingly, one of the goals of the proposal is increased transparency.

Not a single person currently on the CRA staff has indicated they support it. Even its outgoing manager, Assistant Director of Civil Rights Lee Reid, would not say he supported the proposal.

Reid resigned his position, effective Aug. 14. He has accepted a similar position with the Atlanta Citizen Review Board, whose model is almost identical to the existing CRA in Minneapolis.

This process was a charade, a sham and a fraud.

CHUCK TURCHICK, MINNEAPOLIS

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:57 PM
To: Browne, Michael K.
Subject: FW: CRA restructuring -- an email from former board member Dean Kallenbach

From: cturchick@hotmail.com
To: cturchick@hotmail.com
Subject: FW: CRA restructuring -- an email from former board member Dean Kallenbach
Date: Fri, 17 Aug 2012 19:01:48 +0000

From: deankallenbach@hotmail.com
To: cturchick@hotmail.com
CC: don.samuels@minneapolismn.gov; barbara.johnson@minneapolismn.gov; betsy.hodges@minneapolismn.gov; cam.gordon@minneapolismn.gov; diane.hofstede@minneapolismn.gov; meg.tuthill@minneapolismn.gov; robert.lilligren@ci.minneapolis.mn.us; velma.korbel@minneapolismn.gov; vwetternach@comcast.net; joel.fussy@minneapolismn.gov; susan.segal@minneapolismn.gov; tim.dolan@minneapolismn.gov
Subject: RE: CRA restructuring
Date: Fri, 17 Aug 2012 13:45:09 -0500

I have been sitting back watching the recent developments regarding the restructuring of the hybrid CRA/IA. I am looking at recent developments as a positive, given the long history of CRA and the consistent problems and complaints never resolving in the past, I believe something new needs to be put forth. With both Police and Citizen involvement in the process it would be my hope that the hybrid could address the underlying lack of trust exhibited by both the citizens and the police department. Having said that unless underlying problems are addressed, this hybrid will likely head down the same path CRA has been on since it began. There 2 major areas of concern from by perspective:

1: the untimely completion of the investigations: I believe this resulted from a lack of oversight of the investigations, there was no system of accountability

in place to insure investigations were completed on a timely basis,. I spoke w/Lee regarding this concern on several occasions, but I don't believe this was ever addressed.

There needs to be a review system in place so each investigation is reviewed every 2 weeks with an action plan that clearly outlines what actions need to be done to complete the investigation. I recall 1 case where there was almost a 2 year gap from the initial claim intake and an attempted contact with the witness. I happened to chair that hearing and had I not threatened to send the case back for additional investigation at the time of the hearing, there would never have been any attempt to contact the independent witness who was present for the alleged misconduct. By the time the investigator did attempt to make contact, the witness was no where to be found. Untimely investigations are a disservice to the very people CRA was intended to help, and the police officer involved in the complaint. An Untimely investigation results in poor memory recollection which resulted in a common frustration from board members, that being a party claiming that they could not recall teh details surrounding of the claim, when being questioned. Plausible deniability opened the door for the Chief to dispute the findings of the hearing panel, thus resulting in the tension between the board and the Chief. Having managed investigations for more than 25 years and given the scope of the investigations, I could never understand why so few investigation were completed. The untimely investigations also resulted in non compliance with the clear language of the ordinance and opened the door for the Chief not to discipline officers due to the extended time from the incident until the determination off the hearing panel. I believe that the untimely completion of investigations resulted from a combination of lack of oversight and financial constraints.

2. The 2nd concern was the lack of discipline on sustained findings. Unless there is very specific language that addresses the discipline, I have concerns you are just rearranging the chairs on the Titanic. I believe the only way you will have any

accountability is to remove the chief for the decision making regarding discipline or by providing very specific direction regarding disciplinary actions, and/or keeping it with the mayor or a body of the city counsel who would have to answer to the citizens of Minneapolis. This issue may also have to be addressed when the union contracts are being negotiated. Without accountability these problems will continue at a great cost, financial, physical and psychological to the citizens of Minneapolis and the people to visit this great city. For this to work you also need the city attorney's office to step up and provide real leadership. I recall a request from the board to Attny Fussy to provide the legal foundation to an opinion issued by the city attorney that supported the position that a policy department policy could supersede an ordinance which was ignored and I was finally told it was not forthcoming. This type of response was quite frankly was insulting to the citizens who volunteered there time to the city. If you don't have all parties on the same page working toward a common goal I am afraid you are once again headed down the same path of disappointment and frustration that has been present for over 20 years.

Sincerely
Dean Kallenbach

From: cturchick@hotmail.com
To: cturchick@hotmail.com
Subject: FW: CRA restructuring proposal: police veto power on complaints/possible solution?
Date: Fri, 17 Aug 2012 16:34:44 +0000

From: PKvider7@msn.com
To: don.samuels@minneapolismn.gov; barbara.johnson@minneapolismn.gov; betsy.hodges@minneapolismn.gov; cam.gordon@minneapolismn.gov; diane.hofstede@minneapolismn.gov; meg.tuthill@minneapolismn.gov; cturchick@hotmail.com
CC: velma.korbel@minneapolismn.gov; bobbybbriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; vwetternach@comcast.net; joel.fussy@minneapolismn.gov; susan.segal@minneapolismn.gov; tim.dolan@minneapolismn.gov; michael.browne@minneapolismn.gov; Kevin.Reich@minneapolismn.gov
Subject: Re: CRA restructuring proposal: police veto power on complaints/possible solution?
Date: Fri, 17 Aug 2012 07:43:18 -0500

Thank You Chuck,

Dear Public Safety, Civil Rights and Health Committee Members:

That does sound scary and much like the current and past problems with Internal Affairs that brought about the Civilian Review in the first place.

A solution to that minor problem would be easy: If this BPI must go through mostly as is, let the Civilian Board Chair be the tie breaker, that would be truer to the Civilian Review aspect.

I forgot to ask my big question last evening: How is this new proposal going to get the police in line and save the city the millions of dollars in court settlements?

I realize there are going to be some "Accidents" that cause the loss of cases, example: the Federer case where the system broke down, but when the police do not follow policy and training they need to be held accountable. I see this BPI resulting poorer results in that respect more then the current statute.

I wish I had the time to research all the references that Dave Bicking and others gave reference to. It will be interesting to hear at the next meeting if they were considered in this BPI?

Sincerely,

Patrick Kvidera
CRA Board Member
612-789-4905

----- Original Message -----

From: charles turchick

To: don.samuels@minneapolismn.gov ; barbara.johnson@minneapolismn.gov ; betsy.hodges@minneapolismn.gov ; cam.gordon@minneapolismn.gov ; diane.hofstede@minneapolismn.gov ; meg.tuthill@minneapolismn.gov

Cc: velma.korbel@minneapolismn.gov ; bobbybbriscoe@yahoo.com ; al.giraud@comcast.net ; johncetta.minneapolisra@gmail.com ; lpettis.cra@gmail.com ; npcichowicz@hotmail.com ; pargom@puc-mn.org ; pkvider7@msn.com ; vwetternach@comcast.net ; joel.fussy@minneapolismn.gov ; susan.segal@minneapolismn.gov ; tim.dolan@minneapolismn.gov ; michael.browne@minneapolismn.gov

Sent: Friday, August 17, 2012 5:44 AM

Subject: CRA restructuring proposal: police veto power on complaints

Dear Public Safety, Civil Rights and Health Committee Members:

As you know, I have been closely following and making suggestions on the CRA restructuring proposal, to the extent one can follow a proposal developed in secret and make suggestions on a proposal for which no significant changes are going to be made before it is brought back to you for your consideration (see Director Velma Korbel's comments to the CRA board in the minutes of the March 7, 2012, board meeting, page 3). And at yesterday's second community meeting to receive public feedback on the proposal, I did learn several new things. One of them was kind of scary.

I am pretty dense, so sometimes I have to hear things several times before they sink in. Last night during her presentation, Ms. Korbel said that both of the heads of IAU and CRA will have to agree before the investigation on a complaint will go forward. This is consistent with the language of the proposed ordinance (Sec. 172.30(b):

Complaint Review. All complaints shall be jointly and collaboratively assessed and prelliminarily reviewed by supervisory staff of the office from both the civilian unit and the internal affairs unit.

Well, the obvious question is: What if the IAU and CRA staff disagree? Ms. Korbel's answer was that she and the Chief of Police would break such ties, and in that decision, she and the Chief would also have to agree. I didn't ask what would happen if they disagreed, but I'm assuming there would be no further tiebreaking mechanism, and the complaint would simply not be investigated.

The practical effect of this is that someone in the police department -- either the IAU staff person or the Chief -- will in effect have veto power over any complaint going forward into the investigatory phase. Let me repeat that: the police department will have unfettered power to decline to investigate any and all complaints that are currently filed with the CRA.

As I said, that is scary.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 9:59 PM
To: Browne, Michael K.
Subject: FW: CRA restructuring: honing my analytical skills

I think that's all of the ones I've sent that would have gone to Lee Reid since this proposal appeared on the Public Safety Committee's agenda on July 20, 2012. Just think if I followed a major issue like the budget! Oy!

Chuck Turchick

From: cturchick@hotmail.com
To: don.samuels@minneapolisnmn.gov; barbara.johnson@minneapolisnmn.gov; betsy.hodges@minneapolisnmn.gov; cam.gordon@minneapolisnmn.gov; diane.hofstede@minneapolisnmn.gov; meg.tuthill@minneapolisnmn.gov
CC: velma.korbel@minneapolisnmn.gov; elizabeth.glidden@minneapolisnmn.gov; gary.schiff@minneapolisnmn.gov; john.quincy@minneapolisnmn.gov; kevin.reich@minneapolisnmn.gov; lisa.goodman@minneapolisnmn.gov; robert.lilligren@minneapolisnmn.gov; sandy.colvin.roy@minneapolisnmn.gov
Subject: CRA restructuring: honing my analytical skills
Date: Tue, 21 Aug 2012 00:39:33 +0000

Dear Public Safety, Civil Rights and Health Committee Members:

I noticed on panel #6 of the [Power Point](#) on the CRA restructuring proposal that civilian members of the Review Panels would be independent thinkers and have analytical backgrounds. In case I wanted to apply for such a position, I thought I'd hone my analytical skills. And what would be more appropriate than to hone those skills on an issue related to the CRA restructuring proposal itself.

I think it's important to know whether one of the two main developers of the restructuring proposal in fact supports what is before you. This is important for at least two reasons. First, these two people -- former Assistant Civil Rights Director Lee Reid and Lt. Travis Glampe of the MPD Internal Affairs Unit -- were characterized to you by Civil Rights Director Velma Korbel as her "subject-matter experts" on civilian oversight. And two, Ms. Korbel said this proposal was a "staff initiative," and if only one of the two primary staff people involved supports the proposal, that should weigh in your consideration of it.

Okay, let's look at the evidence. On one side of the ledger, I am aware of the following facts. I shall consider these facts from different points of view and attempt to give them their proper weight.

1. Mr. Reid declined publicly to say that he supports the proposal. In response to a specific question at the first community meeting on August 1, 2012, Mr. Reid decline to say he supported the proposal. This, of course, does not mean that Mr. Reid does not support the proposal, but we should try to figure out why he wouldn't say he supported it if indeed he did support it. He wasn't under oath, he couldn't implicate himself in criminal activity by answering, and he wasn't in a situation similar to "Are you now or have you ever been a member of the Communist Party?" No doubt he was aware that people would make inferences from his declining to say he supported the proposal. And no doubt, as one of Ms. Korbel's two "subject-matter experts" on civilian oversight, he would know that a public expression of support from him would add to the credibility of the proposal and increase the likelihood of its passage by the City Council. So if he did support it, saying so publicly could only help a proposal he favored. On the other hand, maybe he felt as a staff person, it wasn't his role to express his view of the proposal. But as one of its alleged primary drafters, and since it was portrayed as a staff initiative, a reluctance to state what would seem to be an obvious fact -- his support of his own initiative -- even if outside the normal role of a staff person, seems to be overly cautious and subject to all sorts of interpretations.

I think if Mr. Reid did in fact support the proposal, his refusal to say so publicly was very strange and probably indicates a lack of support.

2. Mr. Reid encouraged CRA board members to push their alternative proposal. In an email to board members, Mr. Reid referred to a [StarTribune](#) editorial opposing the restructuring proposal and praising the board's alternative that

"strikes a better compromise." Mr. Reid wrote: "Good article. You have the support of the paper. You must continue to press forward." Now, it's possible that Mr. Reid believes that the more proposals being considered, the better -- that he was encouraging the presentation of all sorts of suggestions so that we have a "marketplace of ideas" from which to choose. On the other hand, Mr. Reid never even expressed his support of the proposal at CRA board meetings.

From my experience, it is highly unusual for someone outside of an academic setting to encourage the presentation of alternatives to proposals they have initiated and spent several months developing. I think Mr. Reid's email probably indicates a preference for the board's proposal over the proposal you are now considering.

3. Mr. Reid refused to answer whether he had been instructed not to publicly criticize the proposal. Mr. Reid was asked this question at the first community meeting, and he declined to answer. If he had been so instructed, I could understand his declining to answer. He might well not want to burn any bridges in terms of future references. On the other hand, if he had not been so instructed, by declining to answer, the mere fact the question had been asked leaves an implication hanging out there -- whether fairly or unfairly. The mere question sort of has an accusatory tone, and if the answer was "No," the normal human response would be to say so. On the other hand, Mr. Reid may have been so insulted by the question's insinuation that he declined to answer for that reason.

I believe Mr. Reid's declining to answer weighs just slightly on the side that he was so instructed. And, of course, if he were so instructed, that would lend credibility to the assumption that the person who so instructed him believed it was necessary to prevent Mr. Reid's public opposition to the proposal.

4. Upon resigning from the CRA, Mr. Reid took a similar job with a civilian oversight agency whose model is very similar to the current Minneapolis model. As Ms. Korbelt said, the fact that Mr. Reid took the job as Executive Director of the Atlanta Citizen Review Board is no indication by itself that he does not support the restructuring proposal. There are many reasons other than his support for that particular model of civilian oversight that may have caused Mr. Reid to accept the Atlanta position. I agree. For all we know, Mr. Reid may have accepted that position with the intent to propose a similar overhaul of the Atlanta agency. And perhaps he would move on to another city's review agency after that. On the other hand, if Mr. Reid does not have such an intent, his acceptance of the Atlanta position probably indicates he does not have a strong aversion to this model of civilian oversight. We might also note that had Mr. Reid favored the model in the restructuring proposal, there probably was no agency out there with such a model of oversight for him to accept a position with. We know that because at the second community meeting, a questioner asked Ms. Korbelt where this model of joint citizen-police officer hearing panels had been tried or currently exists -- even outside the United States. And Ms. Korbelt either did not understand the question or could refer to no such place, because she said nothing in response to that question.

I'm torn on this factor, but unless Mr. Reid's intent is to change the Atlanta model, I think it's fair to say he probably doesn't feel the Atlanta model is unworkable. Otherwise, he'd just be setting himself up for a frustrating employment situation.

On the other side of the ledger, I know of the following fact:

1. Civil Rights Director Korbelt said Mr. Reid supports the restructuring proposal. In response to a question at the second community meeting asking whether Mr. Reid supports the restructuring proposal, Director Korbelt said, "Yes, he does." Ms. Korbelt may have a motive to make us believe that Mr. Reid supports the proposal, because she characterized it as a "staff initiative" and also called Mr. Reid one of her two "subject-matter experts." It may also be relevant that Ms. Korbelt has made public arguments in support of the proposal that left out crucially important facts. For example, at the second community meeting, she attempted to minimize the change that the proposal would entail. She said that under the current system, both police and civilians investigate complaints that come from the public. Until someone mentioned it in the Q and A portion of the meeting, she failed to point out that under the current system, the complainant has a choice whether an officer or a civilian will investigate the complaint -- a seemingly important difference that was even noted by members of your committee during your July 25 meeting. It's possible that Ms. Korbelt's strong advocacy for this proposal has caused her to be mistaken about Mr. Reid's support for it. It's also possible she may have instructed him not to oppose it publicly. Finally, she may be lying. On the other hand, Ms. Korbelt is the head of a department of Minneapolis City government, which should dispose us to take her at her word.

In weighing the evidence, I think Ms. Korbelt's public statement that Mr. Reid supports the proposal lends support to the conclusion that Mr. Reid does indeed support the proposal.

Looking at all the above, I believe by a preponderance of the evidence that Mr. Reid does not support the proposal. I am using the definition given in the CRA's Administrative Rules (see page 2) for "Preponderance of the Evidence: The greater weight of the evidence supports the decision." I would be surprised if, on this factual basis, most people did not agree with my conclusion. I would even be surprised if most people who support the restructuring proposal did not agree with my conclusion.

As you may know, Mr. Reid gave indications to the CRA board that he might have more to say once he is in Atlanta. The question then is -- if you think it's relevant to know if an alleged architect of the restructuring proposal in fact supports it -- whether one of you will contact Mr. Reid and ask him. Even if you have no desire to know, I think the public may be interested and may well have a right to know.

Sincerely,

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 10:16 PM
To: Browne, Michael K.
Subject: FW: Velma Korbel sees Minneapolis CRA as a model of civilian oversight

Oops, I missed this one, which was expanded into a post at tcdailyplanet.net, available [here](#).

Chuck Turchick

From: cturchick@hotmail.com
To: cturchick@hotmail.com
Subject: Velma Korbel sees Minneapolis CRA as a model of civilian oversight
Date: Sun, 19 Aug 2012 04:21:24 +0000

Hi folks,

I thought you might be interested in the following portion of the minutes of the June 2, 2010, CRA board meeting:

IV. Velma Korbel, Director, Minneapolis Department of Civil Rights

Bellfield introduced Velma Korbel, the newly appointed director of the Minneapolis Department of Civil Rights.

Korbel stated that although yesterday was her first official day on the job, she has spent the last month getting to know Reid and the CRA staff, as well as the Civil Rights Department staff. She explained that she moved to Minnesota in 1989 and has been doing civil rights work since the 1980s. She understands from talking to people in the city and colleagues around the country that the Minneapolis CRA is a model of what civilian oversight is, so she is looking forward to learning from the board, as well as people from the community. She talks to Reid on a daily basis and plans to have the CRA office location combined with the rest of the Department of Civil Rights, so that communication can improve. She is aware of the issues the board is working on now and hopes to attend meetings periodically to see what the board is thinking. She looks forward to getting to know board members and urged them to feel free to contact her.

No comment needed.

Chuck Turchick
612-871-8793

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 21, 2012 10:02 PM
To: Browne, Michael K.
Subject: FW: Research regarding CRA redesign

You may find this one from Dave Bicking to be of interest.

Chuck Turchick

> From: dave@colorstudy.com
> To: velma.korbel@minneapolismn.gov
> Date: Tue, 21 Aug 2012 09:27:04 -0500
> Subject: Research regarding CRA redesign
> CC: don.samuels@ci.minneapolis.mn.us; meg.tuthill@ci.minneapolis.mn.us; cam.gordon@ci.minneapolis.mn.us;
gary.schiff@minneapolismn.gov; elizabeth.glidden@minneapolismn.gov

>
> Ms Korbel:
>
> At last Thursday's Community Meeting regarding the CRA, I made a comment and asked a
> question:
>
> What information did you gather, what sources did you use, what research did you look up, to
> determine what new model of civilian oversight that you would propose?

>
> This was not meant to be a rhetorical question!

>
> You have proposed a model of civilian oversight that, according to my reading and study, is
> significantly different than any that currently exists in this country. Is there any experience or
> research that indicates that it will be successful, or that it will be more effective in promoting
> accountability for misconduct, transparency, and better community relations?

>
> You owe it to the community, and to the City Council, to reveal what sources you relied upon,
> and how those sources informed your choices. Otherwise, each Council member has to do
> all the research and study for themselves. That is not fair or efficient. The Council has a
> responsibility to make an informed decision regarding this radical change.

>
> In past redesigns of the CRA, redesigns that were much more incremental, there was an
> open process involving a large number of people from different constituencies. There were
> studies performed and published regarding the existing organization, its shortcomings, and
> possible solutions. People were involved who had extensive knowledge and experience,
> from many perspectives.

>
> This time, we have a very small group of people, all insiders, working in secret, who present
> to the public only the final product: a PowerPoint presentation and a proposed ordinance. As
> my old math teachers would say, "Show your work!"

>
> Did you consult the resources at NACOLE (National Association for the Civilian Oversight of
> Law Enforcement)? Have you read what the IACP (International Association of Chiefs of
> Police) has to say? Have you consulted with PERF (Police Executive Research Forum)?
> Have you looked up any academic research? Have you even studied the work that has gone
> into prior redesigns of the Mpls CRA?

>
> If so, we would like to be assured that you have done that study and learned something from
> it. The City Council should know how you took the suggestions and recommendations of
> those sources, and used them to develop your new model for the Mpls CRA.

- >
- > I am not opposed to "innovation", as you call it. No existing model of civilian oversight is
- > anywhere close to perfect. But even innovation should be based on at least a knowledge of
- > past attempts and past experience.
- >
- > If you have done this work, it should be easy to cite your sources at this evening's Community
- > Meeting. You should also be able to document that work long before the City Council holds
- > its public hearing and votes on the issue. If you can not or will not do so, it would be
- > irresponsible of the City Council to approve your proposal.
- >
- > From my own study, I can not see how any of the existing research could lead you to the
- > proposal you are advocating. As you said to the CRA when you were first appointed, the
- > Mpls CRA is a model for civilian oversight. It is frequently cited in the literature. Your
- > proposal, on the other hand, does not conform to any existing model.
- >
- > It appears to me that you either did not do the research, or you ignored all the experience and
- > recommendations, based on a desire to kill the CRA rather than improve it. I believe the
- > burden is on you to show otherwise.
- >
- > You can start tonight, by answering my question rather than ignoring it.
- >
- > Sincerely,
- >
- > Dave Bicking
- > former member of CRA board
- > 3211 22nd Ave. S. #1, soon to be 4200 Cedar Ave. S. #1
- > Ward 9, soon to be Ward 8
- >

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 28, 2012 11:16 PM
To: Samuels, Don H.; Johnson, Barbara A. - City Council; Hodges, Betsy A.; Gordon, Cam A.; Hofstede, Diane T.; Tuthill, Meg M.
Cc: Glidden, Elizabeth A.; Schiff, Gary; Quincy, John; Reich, Kevin A.; Goodman, Lisa R.; Lilligren, Robert W.; Colvin Roy, Sandra K.; bobbybbriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; pkvider7@msn.com; vwetternach@comcast.net; Korbel, Velma J; Office of Tim Dolan; Segal, Susan L.; Glampe, Travis; Browne, Michael K.
Subject: CRA Restructuring Proposal: Considerations re merging CRA and IAU

Dear Public Safety, Civil Rights and Health Committee Members:

One of the core provisions -- and one of the provisions that has raised the greatest opposition -- in the proposed CRA restructuring is the proposal's in effect merging the CRA with the Internal Affairs Unit (IAU) of the police department.

As you know, the CRA was created because there was a perceived lack of trust of the IAU in the community. Before giving the IAU increased influence in cases filed with the CRA, it only seems reasonable to ask whether that perceived lack of trust is justified.

Data obtained by Communities United Against Police Brutality. As have you, I have seen references to data obtained by CUAPB of complaints filed by citizens with the IAU over a ten-year period. CUAPB claims there were close to 1,000 such complaints filed in that period and only two were sustained. At the first community meeting held to obtain citizen input on the proposed restructuring, former Assistant Civil Rights Director Lee Reid responded to a question from the public that the sustained figure was "very low." Surely this is relevant information in considering whether this merger is a good idea.

Assistant Civil Rights Director Michael Browne's opinion. As you know, Assistant Civil Rights Director Michael Browne has recently been appointed to the CRA position vacated by Mr. Reid. As you probably also know, Mr. Browne, as an outside consultant hired by the City, issued a report on February 1, 2006, titled "A Study of the Policy and Process of the Minneapolis Civilian Police Review Authority." On page 98 of that report, Mr. Browne quoted from a *City Pages* article written by Paul Demko and G. R. Anderson, Jr.: "[I]n recent years the MPD's Internal Affairs [Unit] has been largely [viewed as a] moribund [entity], rarely sustaining complaints against officers even when their actions have resulted in major [lawsuits, settlements and financially significant] payouts for the [C]ity. Over the years, **IAU has earned a reputation as the place where misconduct cases go to die** [emphasis added]."

Mr. Browne continued with his own assessment as follows: "This allegation seems to comport with the statistics." He then described some of the data on City payouts in civil police liability cases and the IAU's decisions in CRA-sustained cases at that time. Mr. Browne seemed to agree with the conclusion that CUAPB had drawn, viz., that there was a strong basis for the perceived lack of trust in the IAU's handling of police misconduct cases.

Civil Rights Director Velma Korbel's confidence in the proposal's auditing of investigations provision. During the second community meeting, Ms. Korbel pointed out the several places in the process where civilians would be engaging in oversight. She particularly noted that the Police Conduct Oversight Commission would be auditing on a random basis investigations conducted by both civilian and police officer investigators. When she was questioned about where this was in the ordinance, which seems only to talk about reviews of "summary data" -- not the entire investigative file -- she said a member of the review panel would be in contact with the oversight commission members, and that not everything is in the ordinance. A member of the public asked whether those sponsoring the proposal had considered doing this auditing of investigations on past IAU citizen complaint files, which we already have in abundance. That question was not answered, but it seems only logical to perform this audit *before* greatly increasing IAU's influence over CRA-filed cases rather than *after* doing so.

All of the above surely suggests that you ought to proceed with caution in adding to the power of the Internal Affairs Unit. It has a history, which the very creation of the CRA, as well as Assistant Directors Reid's and Browne's comments, attest to. I understand there was an audit done of IAU recently. If that included an audit of its investigations,

that data should certainly be examined by you. If it did not include looking at IAU investigations, maybe you ought to have that done before you make such a major decision as approving this radical proposal.

Sincerely,

Chuck Turchick
612-871-8793

Mr. Browne continues: This allegation seems to comport with the statistics.

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Tuesday, August 28, 2012 6:09 PM
To: Korb, Velma J; Browne, Michael K.
Cc: Samuels, Don H.; Johnson, Barbara A. - City Council; Hodges, Betsy A.; Gordon, Cam A.; Hofstede, Diane T.; Tuthill, Meg M.; bobbybriscoe@yahoo.com; al.giraud@comcast.net; johncetta.minneapolisra@gmail.com; lpettis.cra@gmail.com; npcichowicz@hotmail.com; pargom@puc-mn.org; pkvider7@msn.com; vwetternach@comcast.net
Subject: CRA restructuring proposal: Renewal of question re reduced fears of retaliation

Dear Director Korb and Assistant Director Browne:

Enclosed below is an email that I sent at your suggestion on Thursday, August 17, 2012, following the second community meeting on the CRA restructuring proposal. Just as people were leaving the meeting, I attempted to get an answer to the question about how the proposal would reduce/eliminate fears of retaliation, a claim made on one of the wall postings. Mr. Browne suggested, with Ms. Korb's agreement, that the best way to get an answer would be for me to write an email to Ms. Korb, which I did that same evening.

It's been almost two weeks now, and I haven't heard back. I am getting the impression that you made the suggestion thinking I would not follow through, or as a way to avoid answering the question. I hope this indicates my cynicism and not your avoidance, and that I receive an answer shortly.

Sincerely,

Chuck Turchick
612-871-8793

From: cturchick@hotmail.com
To: velma.korb@minneapolismn.gov
CC: don.samuels@minneapolismn.gov; barbara.johnson@minneapolismn.gov; betsy.hodges@minneapolismn.gov; cam.gordon@minneapolismn.gov; diane.hofstede@minneapolismn.gov; meg.tuthill@minneapolismn.gov
Subject: 1. Question re reduced fears of retaliation; 2. Lee Reid's email to CRA board members
Date: Fri, 17 Aug 2012 02:23:00 +0000

Dear Director Korb:

You suggested I send an email with a question that I asked you as people were leaving tonight's community meeting on the CRA restructuring proposal.

I noticed on one of the sheets on the wall that it said the proposal would reduce the fear of retaliation that complainants might feel. I asked the woman taking the sheet down, who I assumed was a Civil Rights Department staff person, how the proposal would do that, and she said the only one who could answer that question would be you.

When I asked you, you responded with something like "Why do you think it wouldn't?" There are reasons why I think that -- for example, people might be more fearful if they knew their complaint might well be going to a police investigator -- but it seems to me, it was whoever included that on the sheet who has the burden of explaining how the proposal would do that.

I am also including below an email former Assistant Director Reid sent to the CRA board members, seemingly encouraging them to push for their alternative proposal. This would seem to indicate he does not support the proposal that was presented to the Public Safety Committee on July 25, and that when you responded tonight to a question whether he supports the proposal with "Yes, he does," you may have been mistaken.

As you can see, I am copying this to the Public Safety Committee members, who I think might also be interested in your answer(s).

Sincerely,

Chuck Turchick
612-871-8793

From: Reid, Samuel L.

To: al.giraud@comcast.net; bobbybbriscoe@yahoo.com ; johncetta.minneapolisra@gmail.com;
Nicholas.Cichowicz@target.com ; pargom@puc-mn.org; lpettis.cra@gmail.com ; vwetternach@comcast.net;
PKvider7@msn.com

Sent: Sunday, August 12, 2012 7:38 PM

Subject: RE: Editorial in Star Tribune 8/13/12

Good article. You have the support of the paper. You must continue to press forward.

Samuel L. Reid II

CITY WORKING TO DESTROY COMMUNITY OVERSIGHT OF POLICE: BUT WE CAN STOP THEM

The Minneapolis Civilian Review Authority was started in 1991 in response to the police murders of elderly couple Lloyd Smalley and Lillian Weiss in a botched raid. While the city has always limited the powers of the CRA and tried to make it ineffective, it has at least provided a safe alternative to complaining to the police about the police.

A dozen years ago, Minneapolis moved the CRA under the Civil Rights Department, which has done little to support the CRA. The city continually starves the CRA of adequate funding, in an effort to make it ineffective. Now, Civil Rights Director Velma Korbel is pushing a scheme to move the CRA under the control of the Minneapolis police department and gut community accountability for police. This plan was made without any input from the community or even the CRA board. The CRA board came out with their own plan, which the city isn't even taking seriously.

City Holding Community Meetings: Be there! Stop this rotten plan!

Thursday, August 16 at 7:00 p.m.
Shiloh Temple
1201 W Broadway, Minneapolis

Tuesday, August 21 at 7:00 p.m.
Minneapolis City Hall, Rm 319
350 S 5th St, Minneapolis

There's already been one so-called community meeting, held on just one day's notice on the city's website. Most of the meeting consisted of a long and boring presentation designed to sell the community on the virtues of the plan. CRA staff worked hard to block the community from asking questions or making comments. Throughout the presentation, it was obvious that none of the suggestions made by the CRA board had even been incorporated. At the end, someone asked about next steps and whether the community's concerns would be taken into consideration. We were told that if we don't like the proposal, we should "take it up with the city council"—letting us know that the city administration is hell-bent on ramming through this deeply flawed plan.

What's so bad about their plan? The list is long, but here are the most serious flaws:

- **Complaining to the cops about the cops doesn't work.** As the plan states, the CRA office would exist "on paper only" and all complaints would really go to the police department. For the most part, the community DOES NOT trust cops to investigate other cops, which is why the CRA was started in the first place. The concerns are real—we've documented dozens of incidents of retaliation after people complained to Internal Affairs. If the current court case (of Lt. Andrew Smith and Sgt. Patrick King) is any indication, even cops who investigate other cops aren't safe from retaliation. Further, we studied community complaints to Internal Affairs and in a 10-year period (1996-2006) all but two complaints from community members were thrown out.
- **This proposal makes it unsafe to complain.** Check out page 18 of the proposed ordinance (available on the city's website). The "firewall" that was added to the CRA ordinance in 2002, which prevents the city attorney's office from mining complaints for chargeable offenses, is removed. Over the years, this firewall has been weakened. If anything, it needs to be stronger. Further, because complaints would be made to police, complaints that can't be proven could lead to people being prosecuted for "false reporting" of police brutality under Minnesota statute 609.505. This charge only applies to people complaining TO police, which is why a true CIVILIAN review authority is a must. People shouldn't have to worry that their complaints will be used to prosecute them.

- **The chief still wouldn't discipline.** Hearing panels under this proposal would consist of two "community members" (who would no longer have to be residents of Minneapolis) and two cops hand-picked by the chief. The votes of each member would be recorded and sent to the chief. It seems likely there will be a lot of tie votes (depending, of course, on how legit the "community members" actually are). It also seems likely that the chief will give more weight to the votes of the cops than to the community members. Watch—this will become the new excuse for not disciplining sustained complaints.
- **Total loss of transparency.** Under the current ordinance, the chief has to report to the CRA why a complaint wasn't disciplined. This has allowed the community to understand that the chief has been using illegal and bogus reasons to refuse to discipline cases. Under this proposal, all of that accountability goes away. The chief can refuse to discipline for any reason, or no reason at all and the community—including the person who made the complaint—will never get to know why.
- **Unrealistic and just plain ridiculous timetables.** The proposed ordinance cuts in half the amount of time people have to complain—from one year down to 6 months. This ensures that many people will not complain because any good lawyer will tell you not to talk to the city when you face or could face charges. Even more ridiculous is a requirement that hearing panels write up and sign their recommendations within three business days. These reports have a lot of elements to them and take some time to prepare. Keep in mind that supposedly two of the panel members will be community volunteers, who will have to come back downtown to sign the report plus track down the two cop panel members. What happens to the complaint if it isn't written and signed within that three-day window? This will become another excuse not to discipline. On the other end of the spectrum, the proposed ordinance eliminates the current 30-day deadline for the chief to take action on the complaint. In other words, the complainant has to file right away, the hearing panel has to issue a hasty report but the chief has all the time in the world.
- **This proposal was developed in secret and without community input.** How can the city possibly propose a total gutting of the CRA without involving the community in this discussion? Even worse, how can they do this without even informing the CRA board members, who know the most about how the agency operates? Turns out, the process involved lots of meetings with police. Should an agency that is charged with overseeing the police make deals with cops on how they are going to oversee them?

Let's talk about the real reason for this proposal: During the first so-called community meeting, the Civil Rights department made it clear that this proposal is all about making the oversight process "acceptable" to the cops. Every other word was "buy in" but this is completely wrong-headed. Absolutely no evidence was produced indicating police officers or community members thought the process was unfair. The REAL issue is that the Chief Dolan uses illegal reasons to refuse to discipline sustained complaints. Rather than changing the law, how about holding the chief to the law we already have?

What you can do:

Let your city council member and the mayor's office know you won't stand for the gutting of community oversight! Call 311 to reach your council member and the mayor. Let them know that the CRA needs to have more power, not be gutted and put under Internal Affairs.

Plan to attend the city council's public hearing! The city council will hold a public hearing on Wednesday, September 12 at 1:30 p.m. at City Hall, Room 317. Come prepared to speak out against this dangerous and unnecessary proposal.



This information brought to you by Communities United Against Police Brutality. We meet every Saturday at 1:30 p.m. at 4200 Cedar Ave S, Minneapolis. For more information or for assistance with a police brutality incident, call our 24-hour hotline at 612-874-7867 or see our website at www.cuapb.org.

Office of Police Conduct

Proposed Ordinance Changes

August 21, 2012

The Problem

- Current process not meeting the needs of complainants, CRA board, city staff, MPD, Civil Rights, or citizens
- Complaint process takes too long
- Significant time delays exist throughout the process, causing cases to “expire”
 - Inadequate level of investigative resources
 - Waiting for signed complaint
 - Over-processing the investigation report findings
 - More information put in the report than needed
 - Backlog as a result of over-processing
 - Monthly CRA Board meeting acts as a bottleneck
 - Cases age as they wait for a hearing to be scheduled
- Due to the time commitment required for board members, it is very hard to solicit and retain board members, therefore the board is rarely at full capacity
- Misalignment of expectations & outcomes
 - Do not understand what this process is for

The Process

- These proposed changes are a result of a collaboration between the City Attorney's Office, Civil Rights, and the Minneapolis Police Department.
- A core group from the Civil Rights Department, MPD Internal Affairs, and the City Coordinator's office met continuously from August 2011 until May 2012 to break down the complaint processes within Civil Rights and MPD Internal Affairs and redesign the process to ensure a fair, consistent, balanced, transparent and more timely approach to addressing police conduct complaints.
 - Presented to CRA Board on March 7, 2012; incorporated feedback from presentation
 - Adapted process to incorporate regulation changes in MN Statute § 626.89, subd. 2.
 - Civil Rights, MPD, and City Attorney met with board for a second time on April 4, 2012

The Proposed Changes

- Making a complaint
 - Through the Office of Police Conduct Review - either the Civilian Unit (CU; formerly CRA) or the Internal Affairs Unit (IAU)
 - Via phone, email, in person, online
 - All complaints are jointly triaged and assigned by CU & IAU supervisors
 - Now includes criminal complaints
 - Low level complaints may be referred to voluntary mediation or coaching
 - Assigned to either CU or IAU investigators

Advantages of these changes

- Standardized complaint process
- Pooling of limited resources – investigators and support staff
- Better workload balance
- Reduction/elimination of backlog of investigations
- Consistent communication & messaging
- Improved expectations & outcomes
- Consistent handling of complaints
- Immediate attention to low level complaints at precinct level
- Better caseload management

The Proposed Changes

- Conducting an investigation
 - Combined investigations utilizing CU and IAU investigators and support staff
 - Combined review and sign-off of investigation reports by CU and IAU supervisors
 - Utilize existing investigative principles and procedures
- Investigation report
 - Complaint summary
 - Case investigation
 - Case summary
 - Supportive documentation (e.g., video)

Advantages of these changes

- Standardized process and reports
- Consistent investigation reports – facts only
- Pooling of limited resources – investigators and support staff
- Pooling of knowledge, experiences and expertise
- Equal access to tools & resources
- Better workload balance
- Reduction/elimination of backlog of investigations
- Consistent communication & messaging
- Improved expectations & outcomes
- Better caseload management

The Proposed Changes

- The Review Panel

- Two civilians (four year terms)
 - Resident, business owner, employee in Minneapolis
 - Appointed by mayor & council
 - Assigned by Civil Rights director or designee
 - Pool of at least seven panelists
 - Analytical background
 - Independent thinker
- Two sworn officers
 - Assigned by Chief of Police or designee
 - Pool of officers consisting of Lieutenant & above rank
- Standardized report to the Chief of Police

Advantages of these changes

- Panel reviews complaints coming through IAU (new)
- Balanced perspectives
- Standardized process and review of reports
- Improved consistency and response times
- Reduced potential for conflicts of interest
- Separating the determination functions from the commission allows for a better alignment of skills to function

The Proposed Changes

- The Determination

- Chief of Police

- Read review panel reports
 - Read the investigation report
 - Make determination of outcome and discipline
 - Return determination finding and supportive materials to Office of Police Conduct Review for final procedural steps
 - Recording
 - Notifying
 - Tracking
 - Measuring
 - Reporting

Advantages of these changes

- Responsibility for determinations sits with the Chief of Police
- Fresh review by Chief
- Standardized determination reporting
- More confidence in the outcome of the recommendation

The Proposed Changes

Police Conduct Oversight Commission – formerly Civilian Review Authority Board

- Seven members
 - Residency requirement
- Appointed by Mayor and City Council
 - Three Mayoral appointments
 - Four City Council appointments
 - Max two; two year terms
- Monthly commission meetings
- City staff updates
 - Investigation results and measures
- Sub-committee activities
 - Outreach & education
 - Policy review
 - Auditing of investigations

Advantages of these changes

- Allows commission to focus on advocacy role and outreach, education, and policy activities
- Elimination of potential conflict between advocacy and adjudication activities
- New name of the commission better represents the work of the commission
- Allows greater opportunity for citizen engagement

Process Comparison

CRA

- Intake – external
- Limited manager dismissal
- No MPD supervisor handling of low level complaints
- Independent investigations
- Mandatory Mediation
- 3 member hearing panel
- Sustain/Not Sustain and Finding of Facts
- Complainant appeal
- 3 member hearing panel civilian
- Notification of disciplinary decision – chief attends board meeting to discuss disciplinary decision

OPCR

- Intake – internal and external
- Broader manager dismissal
- MPD supervisor handling of low level complaints
- Combined (CU/IAU) review of investigations
- Voluntary mediation
- Support/No Support recommendations
- 4 member review panel (2 citizens/2 officers)
- Internal auditing function by board
- Complainant appeal

CPCOB

(Board Version)

- Intake – external
- Independent investigations
- Mandatory mediation
- MPD supervisor handling of low level complaints
- Complainant appeal
- 3 member review panel (civilian) + 1 MPD non-voting advisor
- Disputed disciplinary decisions between board and MPD forwarded to mayor for review.
- Merits of complaints founded/unfounded

Structural Comparison

CRA

- Board (Mayor/City Council)
 - 11 citizens – residency req.
 - 4 year terms
 - 1 Operation
 - hearings & communication
- Hearing (now Reviews)
 - 3 board members
- Staff
 - 2 investigators
- Mediation-Mandatory

OPCR

- Commission (Mayor/City Council)
- 2 Operations
- Review
- 7+members – no residency req.
- 4 year terms
- Communication
- 7 members – residency req.
- Max 2; 2 year terms
- Review (formerly Hearings)
- 2 review members/2 MPD
- Staff
- 8 investigators
- Mediation-Voluntary

CPCOB

(Board Version)

- Board (Mayor/City Council)
- 11 citizens – residency req.
 - 3 MPD Advisors
 - 4 year terms
- 1 Operation
 - hearings and communication
- Hearing (now Reviews)
- 3 board members + 1 MPD advisor
- Number of investigators based on data collected or ratio of sworn officers.
- Mediation = Mandatory
- Maintenance of firewall between CRA and Civil Rights

Process review

- Review and access the process
 - Six month review
 - Create set of measures to monitor process; ensure outcomes are being met
 - Set up check-in meetings
 - Monitor process & adjust as needed until measures are being met
 - Communicate to stakeholders
 - Update City Council

Notes

Community Meeting #2

August 16, 2012

7:00 p.m.

Shiloh Temple International Ministries

Summary of points

Director Velma J. Korbelt presented the PowerPoint proposal of the Office of Police Conduct Review, v2

Points and questions presented by community members:

1. The complainant will not have a choice between a sworn and civilian investigator.
2. If the CRA AD and IAD supervisor do not agree a complaint should go forward, who would be the deciding authority?
3. Would an audit be able to view an entire investigation? The proposed wording says "summary data" would be audited.
4. Citizens conceived the original CRA and the staff designed the new proposal without asking for citizen input.
5. Were CRA ad hoc committee's proposal elements added to the OPCR proposal?
6. The way to hold police accountable is not to involve them in the oversight process.
7. Proportionally fund IAD and CRA separately based on the number of complaints they receive.
8. Refer to the Mayor if the Chief is not following through on disciplinary decisions for cases with merit.
9. Is there a cost-benefit analysis available?
10. Document and provide the research done in creating this proposal based on international experience of civilian oversight.
11. Has this been critiqued or reviewed by the "Police Research Institute" or other knowledgeable groups?
12. In the future could the City send out a mailing to constituents about important community meetings?

Community Meeting #3

August 21, 2012

7:00 p.m.

City Hall Room 319

Summary of points

Assistant Director Michael K. Browne facilitated the public comment session on the Office of Police Conduct Review proposal.

Points and questions presented by community members:

1. There is mistrust in the community about officers investigating other officers.
2. There is chance for subjective investigations. It's unsafe for civilians to file complaints about police officers with other police officers.
3. People might be more fearful if they knew their complaint might well be going to a police investigator. A person can be prosecuted for falsely reporting police brutality.
4. It becomes his word against hers, and evidence disappears. This puts you in danger of being prosecuted under this law.
5. If someone complains about a crime (stolen property, etc.) you can be charged with a gross misdemeanor. Current CRA allows you to complain to citizens. 609.505.
6. Retaliation was a large factor in the CRA being created in the first place. OPCR leaves citizens without a place to file complaints without fear.
7. The Chief of Police still won't issue discipline on sustained cases.
8. Out of a hearing panel of 2 civilians and 2 officers, the Chief would be the tie-breaker in OPCR.
9. There's a loss of transparency — the new OPCR removes the Chief reporting to the complainant, the CRA and the community.
10. The proposed plan reduces civilian influence in the police oversight process.
11. The new restructuring proposal for Citizen's Review includes a virtual veto power for the police department in relation to investigating complaints made by citizens against the police.
12. This proposed model of civilian oversight is significantly different than any that currently exists in this country. What models were used to create this model?
13. Prior redesigns were incremental. The proposed changes are an ordinance overhaul.
14. Loss of requirement to be a Minneapolis resident to sit on the review panel.

The views expressed herein are the speaker's
and do not necessarily represent those of the City of Minneapolis.

15. Under the current system, the complainant has a choice whether an officer or a civilian will investigate the complaint.
16. With the CRA/City Attorney firewall removed people's complaints in the OPCR could be used to prosecute them. Current CRA – 1 year to complain. Most people wait to file the complaint once any pending criminal charges are dealt with. Proposed process shortens amount of time, and wipes out the firewall. If the City Attorney looks for data, it takes away safety and trust.
17. Both of the heads of IAU and CRA will have to agree before the investigation on a complaint will go forward. The Civilian Board Chair should be the tie breaker on investigation decisions rather than the Chief.
18. Auditing will be of "summary data and aggregate statistics" does not amount to any transparency by this Oversight Commission with respect to the particulars of any individual investigation.
19. Changing the current requirement that the Chief of Police must give written reasons to the CRA board for any no-discipline decisions.
20. "This proposal will reduce/eliminate fears of retaliation" on flipchart – what support is there of that claim?
21. Most people feel it will increase retaliation issues and will be investigated by police investigators.
22. Is this about saving money instead of funding the CRA's current process?
23. Why isn't money being used to design a new proposal being used to tweak the current civilian oversight? The current proposal is not needed or wanted.
24. Complaining to the cops about the cops doesn't work – which is why the CRA was started in the first place. It is not appropriate to demand citizens go to "half civilians, half police officers" to complain about officers.
25. The chief is not disciplining IAU complaints... or CRA complaints. A combination of CRA and IAU is not a solution.
26. The time periods are unrealistic and ridiculous. The hearing panel gets 3 days in the proposed process, the chief gets an infinite amount of time to decide. There's already a problem with the chief taking years to make disciplinary decisions.
27. The chief is not holding the officers accountable and no one is holding the chief accountable either.
28. This whole process, and meetings is a lie and a farce – the Mayor and City Council have been participating in it. When you make peaceful revolution impossible, you make violent revolution inevitable.
29. Since the police all belong to the same federation, why haven't we dealt with the fact management and labor are not divided? Conflict of interest. How come we can't differentiate between the chief and

The views expressed herein are the speaker's
and do not necessarily represent those of the City of Minneapolis.

officers? Seems to be a desire to protect their own union members, which doesn't result in proper discipline of officers.

30. Occupiers have had first-hand issues with the chief going back on his word, and forcibly removing people. Officers have also been documented handing out illegal substances to citizens. Metro Gang Strike Force was a huge failure. FBI investigated. Of CRA cases, 37 officers found guilty of misconduct and 3 disciplined.
31. Cost-benefit analysis should favor keeping CRA as it is and not paying out millions of dollars to people who were beat up by the police. The funding for civilian investigators should be proportionate to how many complaints they get – and the same way for IAU.
32. The Chief is free to ignore the CRA. This proposal not only doesn't fix that, it makes it worse.
33. It takes way too long for an investigation to be complete. This proposal doesn't offer any more staff, and the CRA needs more investigators to complete work in a timely manner.
34. Regarding recent legislation, it changes a line in the ruling of the CRA Board.
35. In CRA Board proposal, if Chief didn't discipline adequately, he is held accountable by the Mayor. The proposal presented by the department does not include the same safeguards.
36. None of the CRA Board's proposal was included in the department's proposal.
37. Put the CRA Board chair as the tie-breaker in the current proposal.
38. CRA Board member: likes the referral of cases to the precinct.
39. Finds it extremely offensive the community meetings were not involving conversations that go both ways – hearing and responding to citizens.
40. As civilians, we want our complaints to go to civilians – not police. End of story. Fund it properly.
41. Former CRA Board members: upon looking at several models of civilian review, that type of information should go into creating this model. What information was used? Show it to the public. Show the documentation. In previous redesigns there was a lot more transparency and information which helped to inform the people who made the final decisions. City Council members shouldn't have to individually do this research to find out. When is that information going to be available and will the City Council members have a chance to see what research supports this drastic new model?
42. The Chief should not be in charge of looking out for officers as well as ultimate disciplinary decisions for officers. "Fox guarding the hen house."
43. The chief and MPD has been federally funded for extreme surveillance and semi-automatic weapons, but you want the CRA, civilian oversight, to be weakened to the point of extinction.

44. This doesn't feel like the City is part of the community, or wants to collaborate with citizens. It's dysfunctional for the City to be so authoritative and disrespectful to its citizens.
45. The takeaway by the community was "this is a done deal. Here's a presentation to show you what we're going to do." CUABP had to inform the CRA Board about the proposal... this was a secret process. Citizens have to go directly to the City Council to be heard.
46. There will be fewer complaints with the proposed process but it will be because the public will not trust the new process. Community members and CUABP (and similar) will discourage people from using the new process.
47. The ordinance makes it clear residency is not a requirement. So how are they invested in our community?
48. Two officers, two community members (everyone appointed) will vote and the Chief will be the tie-breaker for hearing panels. The chief will side with the officers and gives illegal reasons as he does now for not disciplining officers. The new proposal has no accountability for the chief or officers.
49. This new proposal is about dumping off complaints, giving citizens no recourse other than to sue the city.
50. The CRA was started because the police killed two black community members. Around 2000, the police got very out of control, and then mediation was brought up as a farce. Then CRA was moved into City Hall – with the police. Now the proposed plan is going further, combining it with Internal Affairs. The City and Civil Rights Department does not represent the community, and the needs of the community.
51. We're supposed to live in a country based on checks and balances and the new proposal does not show those at all. It gives the corrupted police more freedom to harm minority citizens..2000-3000 families in one church will be affected by this new proposal. This will happen all over the city. Empower the CRA with adequate resources, and do not follow through on this proposal which was clearly orchestrated by the MPD. Make sure this government is accountable to its citizens.
52. The CRA budget was percentage was.55 of 1% of the MPD budget.
53. If complainants don't know to ask they may assume their complaints will be investigated by a civilian, and that makes this proposal a front for the MPD/IAU.
54. Under this new process, the witnesses won't be addressed unless the 2 officers-2 community members panel wants to ask them. The chief doesn't have to, either. No one in a position to make a recommendation or decision has to talk to the witness.
55. The reasons the Chief has been giving for not disciplining: "credibility of witnesses." The chief never talked to the witnesses, and makes credibility assumptions. Under the new proposal, the Chief does not have to give reasons for not disciplining. This needs to be added. Also "criminal history of complainant"

The views expressed herein are the speaker's
and do not necessarily represent those of the City of Minneapolis.

which was the chief violating the ordinance. No one called him out – not on PSC&H, not the Mayor, City Council, or the City Attorney.

56. Severe lack of accountability in MPD currently. There's plenty of evidence in lawsuits, personal accounts, etc. The Chief perpetuates the culture of thugs. There are many more people who feel this way but are tired of "the process" and being treated disrespectfully.
57. When you have an entity of power that has no accountability, abuse will occur and the citizens cannot and will not allow that to happen.
58. Currently officers under investigation for attacking citizens were allowed to work at Occupy events and were viewed using force unnecessarily. Poor leadership and not enough accountability create a dangerous situation which escalates through their own actions – not the citizens.
59. This is an international issue – a core issue – that is not being addressed in trainings of officers. Plenty of horror stories exist about police brutality and the ensuing lack of discipline.
60. Police working side jobs is using city resources.
61. Most complaints are filed because something very traumatic has happened regarding a Minneapolis police officer – and often the case evidence needed is not provided by the MPD. Complainants don't file for self-benefit but rather because, "I just want to make sure this never happens to anyone else."
62. We should be respecting the people who stand up and make complaints. This can be dangerous, inconvenient, and takes a long time, but citizens feel it is important. If we take away the current process, and say people have to file complaints with the police (and won't know if an officer or civilian reviewed their complaint) no progress can be made. The police will keep telling themselves everything is fine. The proposed process is not set up to make progress.
63. City Council could introduce legislation to allow Minneapolis to have an elected CRA with more power and resources to hold officers accountable.
64. The City Council should consider a scoring system for the Chief and for every 50 complaints that are lodged to CRA it should result in a potential %5 loss in pay for the Chief.
65. Why does the City feel government founded of by and for the people doesn't apply to them?
66. The responsibility for this new proposal, community meetings belongs to Mayor RT Rybak.
67. The CRA is a fraud – Dave Bicking was removed from the CRA Board for being too vocal and wanting more progressive change and accountability in the police department.

Browne, Michael K.

From: charles turchick <cturchick@hotmail.com>
Sent: Wednesday, August 22, 2012 1:02 AM
To: Korb, Velma J
Cc: Browne, Michael K.; Schwartz, Charlie; Gordon, Cam A.; Samuels, Don H.; Tuthill, Meg M.
Subject: Format of 3rd community meeting on CRA restructuring proposal

Dear Director Korb:

Thank you so much for changing the format for the 3rd community meeting on the CRA restructuring proposal. I know a few people who spoke objected to this format in that there was no back-and-forth dialogue and we in the public couldn't get answers to our questions. Maybe you can't please all of the people all of the time. But I think if those folks had been at either of the first two community meetings, they would have much preferred this one. Plus I think it was a more useful meeting in terms of feedback both for the group of staff people who came up with this proposal and for the members of the Public Safety Committee.

Thanks again. And Charlie Schwartz is a whiz!

Sincerely,

Chuck Turchick
612-871-8793



August 22, 2012

Dear Mayor Rybak, Chief Dolan, City Leaders, and CRA Board Members:

The National Association for Civilian Oversight of Law Enforcement (NACOLE) is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officer in the United States. Our membership includes practitioners from a broad spectrum of agencies from across the country. Our Board includes the heads of agencies in Seattle, Tucson, Boise, Chicago, and Washington D.C.; investigators from agencies in San Francisco, Los Angeles, Kansas City, and Detroit; and a former Chief of Police who consults for municipalities nationwide, including acting as monitor for consent decrees entered with the U.S Department of Justice. We have been following the developments in Minneapolis and send this letter to provide some insights regarding proposed changes to the Minneapolis Civilian Review Authority.

NACOLE firmly believes that there is no one-size-fits-all model for all jurisdictions for oversight of police conduct, policies, and procedures. What is best will depend on the specific characteristics and needs of each jurisdiction. NACOLE is firmly committed to supporting all models of oversight and the practitioners in them in order to foster the greatest likelihood of success. While there is no one perfect model, there are, however, essential elements to each type of oversight, and it is NACOLE's practice to provide input when an oversight model is being contemplated in order to help identify its potential strengths and weaknesses.

Having reviewed material made available about the proposed changes to civilian oversight in Mineapolis, NACOLE has several questions and concerns about how this will be implemented.

NACOLE's primary concern is that, as proposed, the model for Minneapolis will effectively eliminate independent civilian oversight unless it is clear that the staff is predominately civilian (non-police) and works under the supervision and authority of a civilian answerable directly to the Mayor or administrative head of the city. Specifically, NACOLE notes the following elements of the plan.

- The public loses the ability to make a complaint to a civilian agency and to choose a civilian investigator.
 - The new process indicates that screening of new complaints will be performed by CRA/IAU supervisors, but does not indicate their specific roles and authorities. It also does not indicate how it will be determined who will investigate which

allegations. If there is not a parity of authority and clear delineation of responsibilities, this process could be distorted to avoid civilian review of all serious incidents.

- The disparity of resources, with only 2 civilian investigators and 7 sworn investigators, will as a practical matter result in most investigations being assigned to sworn investigators.
- The composition of the hearing panels, 2 sworn and 2 civilian, eliminates an independent, civilian recommendation
 - How a tie is broken is not clear, but if it is the Chief who breaks the tie, this eliminates entirely the independent recommendation. This would allow the Chief to avoid situations of disagreement with the civilian panel and thus avoid having to provide an explanation for his or her disagreement.

Given these weaknesses, NACOLE recommends a thorough review of whether the proposed changes should be adopted. If this structure is deemed most appropriate for Minneapolis, NACOLE would also recommend that steps be taken to preserve independence by ensuring a balance of authority between the civilian and sworn processes, and specifically recommends the following as ways to strengthen the process.

- Maintain separate civilian intake process.
- Allow the complainant to indicate a preference for a sworn or civilian investigator.
- Where the complainant chooses a civilian investigation, CRA should remain responsible for any screening and assignment of the investigation.
- Establish clear screening and assignment criteria.
- Increase the number of civilian investigators to have better balance with the number of sworn investigators, and ensure resources are available if a civilian investigator is requested or appropriate.
- Require cross-review of completed investigations – all investigations by sworn investigators must be certified thorough and fair by the head of CRA, and all investigations by civilian investigators must be certified thorough and fair by the sworn head of IAD. (This may already be covered by the proposal. But if it is not, it should be added.)
- Adopt a rule that a tie in the hearing panel will be treated as a vote to sustain the allegations, and if the Chief disagrees, he or she must provide a written explanation of the basis for the disagreement.
- Require that the Chief's written explanation of disagreement include a specific analysis of the evidence and the applicable Minneapolis Police Department Orders, with a substantive discussion why policy was not violated and/or the recommended amount of discipline is inappropriate.
- Adopt procedures governing how sworn members serving on hearing panels will be chosen and the length of their terms to ensure they remain independent and free from undue influence.
- Civilians serving on the hearing panel should perform outreach functions to both police officers and the public so that they remain informed of the concerns of each group.
- Adopt requirements for public reporting of the number and types of complaints received and their dispositions, including both the hearing panel result and the ultimate outcome.

NACOLE has compiled these thoughts based on the available information. Consistent with our mission of promoting effective oversight, NACOLE is available to provide assistance to municipalities that are considering new or reviewing existing oversight agencies. Should you have additional questions or would like to consult with us on these issues, you can contact me on my cell phone at (323) 578-9944 or at ilana@umich.edu.

We appreciate the thoughtful discussion occurring in Minneapolis. These are vital issues for any jurisdiction and careful weighing of all options is important.

Sincerely,

A handwritten signature in black ink, reading "Ilana B.R. Rosenzweig". The signature is written in a cursive, flowing style.

Ilana B.R. Rosenzweig
Vice-President